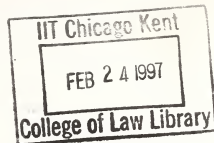


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Scott Livingston



1997

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Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of this Part: Design Criteria of Pressure Sewer Systems

2) Code Citation: 35 Ill. Adm. Code 374

3) Section Numbers:

374.101

Amend

374.102

Amend

374.103

Repeal, Renumber

374.104

Repeal

374.106

Repeal

374.201

Amend

374.207

Amend

374.208

Amend

4) Statutory Authority: Implementing and authorized by Sections 4(h) and 39(a) of the Environmental Protection Act (415 ILCS 5/4(h) and 39(a))

5) A. Complete Description of the Subjects and Issues Involved: At the time the Illinois Environmental Protection Agency initially adopted these design criteria, pressure sewer systems were considered to be experimental. The systems are now commonplace, and the purpose of these amendments is to delete requirements that impose unnecessary burdens on system owners and operators and on municipalities.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a mandate under Section 3 of the State Mandates Act (30 ILCS 805/3). These proposed amendments are consistent with the policy objectives set out in Title III of the Environmental Protection Act (415 ILCS 5/Title III).

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Thomas G. McSwiggin, Manager
Permits Section
Division of Water Pollution Control
Bureau of Water

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, IL 62794-9276
(217) 782-0610

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: This proposed rulemaking will affect small businesses, small municipalities and not for profit corporations that need to conduct non-conventional wastewater pumping systems in order to overcome difficulties caused by adverse terrain.

B) Reporting, bookkeeping and other procedures required for compliance: This rulemaking will not require additional reporting, bookkeeping or other procedures not already required by previously established State and federal regulations.

C) Types of professional skills necessary for compliance: No additional professional skills are required by this rulemaking.

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendments begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PROPOSED AMENDMENTS

required to install a conventional transportation system.

(Source: Repealed at 21 Ill. Reg. _____, effective _____)

SUBPART B: DESIGN CRITERIA

Section 374.201 Duplex Pumps

If grinder pumps are serving more than one building, the use of duplex pumping units shall be required. If the pumps are to be installed for individual buildings, a single pumping unit may be used if satisfactory.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 374.207 Marked Sewer Lines

Where polyvinyl chloride (PVC) pressure mains are to be installed in the vicinity of similar water supply lines, clear markings of the sewer line should be clearly marked accomplished to prevent possible future cross-connections.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 374.208 Alarm Systems System

An alarm system shall be provided in the home where grinder units are installed in the basement so there will be no loss of property to alert the home owner in case of pump malfunction due to the owner not knowing the pump was not functioning. A visual alarm system shall be provided for those pumping units installed in a separate pumping vault outside of the home.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Advertising and Sales Promotion of Life Insurance and Annuities
- 2) Code Citation: 50 Ill. Adm. Code 909
- 3) Section Numbers: Proposed Action:
 909.10 Amended
 909.20 Amended
 909.30 Amended
 909.50 Amended
 909.90 Amended
 909.100 Amended
 909.110 Amended
 909.120 Amended
- 4) Statutory Authority: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 501 of the Illinois Insurance Code [215 ILCS 5/149, 151, 236, 237, 426 and 502].
- 5) A Complete Description of the Subjects and Issues Involved: The Department is amending Part 909 to make the language consistent with the new Life Illustration model rule from the NAIC.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This amendment will not necessitate that a local government establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

John Falombi
 Staff Attorney
 Department of Insurance
 320 West Washington
 Springfield, IL 62767
 (217) 782-8359

Mary Meyer
 Paralegal
 Department of Insurance
 320 West Washington
 Springfield, IL 62767
 (217) 782-8350

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this amendment will not impact small businesses.
- 13) Regulatory Agenda on which this amendment was summarized: This amendment was not included on either of the two most recent agendas because: the changes to Part 909 were not anticipated before the last regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER 1: DEPARTMENT OF INSURANCE
SURCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 909

ADVERTISING AND SALES PROMOTION OF
LIFE INSURANCE AND ANNUITIES

Section	
909.10	Authority
909.20	Definitions
909.30	Applicability
909.40	Content of Advertisements
909.50	Disclosure Requirements
909.60	Identity of Insurer
909.70	Jurisdictional Licensing and Status of Insurer
909.80	Statements About an Insurer
909.90	Enforcement Procedures
909.100	Penalties (Renumbered)
909.110	Conflict with Other Rules (Renumbered)
909.120	Severability Provision (Renumbered)
AUTHORITY: Implementing Sections 149, 151, 236, 237, 426 and 502 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401], 236, 237, 401, 426, and 502].	

SOURCE: Filed April 26, 1976, effective May 7, 1976; codified at 7 Ill. Reg. 2460, amended at 14 Ill. Reg. 1384, effective August 14, 1990; amended at 15 Ill. Reg. 15665, effective October 18, 1991, amended at 21 Ill. Reg. _____, effective _____.

Section 909.10 Authority

This Part Rule is issued by the Director of Insurance pursuant to Section 401 of the Illinois Insurance Code [215 ILCS 5/401] (415-Rev-Stat-1983-Chr-79; par-1483), which empowers the Director to make reasonable rules and regulations as may be necessary for making effective the insurance laws of this State. The purpose of this Part Rule is to set forth minimum standards and guidelines to assure a full and truthful disclosure to the public of all material and relevant information in the advertising of life insurance policies and annuity contracts. This Part Rule implements the Illinois Insurance Code by defining acts and practices which constitute a violation of one or more of the following sections of the Illinois Insurance Code: Sections 149, 151, 236, 237, 401, 426, 502, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 909.20 Definitions

For the purpose of this Part Rate:

"Advertisement" for the purpose of this Part Rate shall not include: communications or materials used within an insurer's own organization and not intended for dissemination to the public; communications with policyholders other than material urging policyholders to purchase, increase, modify, reinstate or retain a policy;

a general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list; that a policy or program has been written or arranged; provided the announcement clearly indicates that it is preliminary to the issuance of a booklet explaining the proposed coverage.

"Advertisement" shall be material designed to create public interest in life insurance or annuities or in an insurer, or to induce the public to purchase, increase, modify, reinstate or retain a policy including:

printed and published material, audio-visual material and descriptive literature of an insurer used in direct mail, newspapers, magazines, radio and television scripts, billboards and similar displays;

descriptive literature and sales aids of all kinds issued by an insurer or agent, including but not limited to circulars, leaflets, booklets, depictions, illustrations and form letters; material used for the recruitment, training, and education of an insurer's sales personnel, agents, solicitors and brokers which is designed to be used or is used to induce the public to purchase, increase, modify, reinstate or retain a policy;

prepared sales talks, presentations, and material for use by sales personnel, agents, solicitors and brokers.

Disciplined current scale means a scale of non-guaranteed elements constituting a limit on illustrations currently being illustrated by an insurer that is reasonably based on actual recent historical experience, as certified annually by an illustration actuary

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

designated by the insurer. Further guidance in determining the disciplined current scale as contained in standards established by the Actuarial Standards Board may be relied upon if the standards:

are consistent with all provisions of this Part;

limit a disciplined current scale to reflect only actions that have already been taken or events that have already occurred;

do not permit a disciplined current scale to include any project trends of improvements in experience or any assumed improvements in experience beyond the illustration date; and

do not permit assumed expenses to be less than minimum assumed expenses.

Illustrated scale means a scale of non-guaranteed elements currently being illustrated that is not more favorable to the policy owner than the lesser of:

the disciplined current scale; or

the currently payable scale.

"Insurer" shall include any organization or person which issues life insurance or annuities to residents of this State.

Non-guaranteed elements means premiums, benefits, values, credits or charges under a policy of life insurance that are not guaranteed or not determined at issue.

"Policy" shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement which provides for life insurance or annuity benefits.

"Preneed Funeral Contract or Prearrangement" shall mean an arrangement by or for an individual before the individual's death relating to the purchase or provision of specific funeral or cemetery merchandise or services.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 909.30 Applicability

- This Part Rate shall apply to any life insurance or annuity advertisement intended for dissemination in this State;
- Every insurer shall establish and at all times maintain a system of

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

control over the content, form and method of dissemination of its advertisements. All such advertisements, regardless of by whom written, created, designed or presented, shall be the responsibility of the insurer.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 909.50 Disclosure Requirements

- a) The information required to be disclosed by this Part Rate shall not be minimized, rendered obscure or presented in an ambiguous fashion or intermingled with the text of the advertisement so as to be confusing or misleading.
- b) No advertisement shall omit material information or use words, phrases, statements, references or illustrations if such omission or such use has the capacity, tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the nature or extent of the insurance, any policy benefit payable, loss covered, premium payable or state or federal tax consequences. The fact that the policy offered is made available to a prospective insured for inspection prior to consummation of the sale, or an offer is made to refund the premium if the purchaser is not satisfied, does not remedy misleading statements.
- c) In the event an advertisement used "Non-Medical," "No Medical Examination" or similar terms where the insurance is not guaranteed, such terms shall be explained by further disclosure of the conditions, promises and in juxtaposition thereto to the effect that issuance of the policy may depend upon the answers to the health questions.
- d) An advertisement shall not use as the name or title of a life insurance policy or an annuity, any phrase which does not include the words "life insurance" or "annuity" unless accompanied by other language clearly indicating it is life insurance.
- e) An advertisement shall prominently include the specific title of the type of the policy being marketed and such title shall not be misleading as to the policy benefits.
- f) An advertisement of an insurance policy marketed by the direct response techniques shall not state or imply that because there is no agent or commission included, there will be a cost savings to prospective purchasers unless such is the fact. No such cost savings shall be claimed or implied without justification satisfactory to the Insurance Director.
- g) An advertisement for a policy containing graded or modified benefits shall prominently display any limitation of benefits. If the premium is level and coverage decreases or increases with age or duration, such fact shall be prominently disclosed.
- h) An advertisement for a policy with non-level premiums shall prominently describe the premium changes.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

i) Dividends and Other Non-Guaranteed Elements

- 1) An advertisement shall not utilize or describe dividends or other non-guaranteed elements in a manner which is misleading or has the capacity or tendency to mislead.
- 2) An advertisement shall not state or imply that the payment or amount of dividends is guaranteed. If dividends or other non-guaranteed elements are illustrated they must be based on the insurer's illustrated current-dividend scale and the illustration must be clearly stated to reflect the fact that the dividends to be construed as guaranteed or estimates of dividends to be paid in the future.
- 3) An advertisement shall not state or imply that illustrated dividends under a participating policy and/or pure endowments will be or can be sufficient at any future time to assure, without the further payment of premiums, the receipt of benefits, such as a paid-up policy, unless the advertisement clearly and precisely explains:
 - A) what benefits or coverage would be provided at such time; and
 - B) under what conditions this would occur.
- j) An advertisement shall not state that a purchaser of a policy will share in or receive a stated percentage or portion of the earnings on the general account assets of the company.
 - k) Testimonials used in advertisements by the insurer must be genuine; represent the current opinion of the author; be applicable to the policy advertised, if any; and be accurately reproduced. In using a testimonial the insurer acknowledges as its own all of the statements contained therein, and such statements are subject to all the provisions of this Part Rate.
 - 2) If the individual making a testimonial or an endorsement has a financial interest in the insurer or a related entity as a stockholder, director, officer, employee or otherwise, or receives any benefit directly or indirectly other than required union scale wages, such fact shall be disclosed in the advertisement.
 - 3) An advertisement shall not state or imply that an insurer or policy has been approved or endorsed by a group of individuals, society, association or other organization unless such approval or endorsement is properly disclosed between the organization and the individual making the endorsement. If the organization is owned, controlled or managed by the insurer, or receives any payment or other consideration from the insurer for making such endorsement or testimonial, such fact shall be disclosed in the advertisement.
 - 1) An advertisement shall not contain statistical information relating to any insurer or policy unless it accurately reflects recent and relevant facts. The source of any such statistics used in an

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

advertisement shall be identified therein.

- m) Introductory, Initial or Special Offers and Enrollment Periods
 - 1) An advertisement of an individual policy or combination of policies shall not state or imply that such policy or combination of such policies is an introductory, initial or special offer or that applicants will receive substantial advantages not available at a later date, or that the offer is available only to a specified group of individuals, unless such is the fact. An advertisement shall not describe an enrollment period as "special" or "limited" or use similar words or phrases in describing it when the insurer uses successive enrollment periods as its usual method of marketing its policies.
 - 2) An advertisement shall not state or imply that only a specific advertisement will be offered or that a time has been fixed for the discontinuance of the sale of the particular policy advertised because of special advantages available in the policy.
 - 3) An advertisement shall not offer a policy which utilizes a reduced initial rate in a manner which over emphasizes the availability and the amount of the initial premium. When an insurer charges an initial premium that differs in amount from the amount of the renewal premium payable on the same mode, all references to the reduced initial premium shall be followed by an asterisk or other appropriate symbol which refers the reader to that specific portion of the advertisement that contains a full rate schedule for the policy being advertised.
 - 4) An enrollment period during which a particular insurance policy may be purchased on an individual basis shall not be offered within this State unless there has been a lapse of not less than one year from the date of the last preceding enrollment period for the same policy and the opening of the new enrollment period. The advertisement shall specify the date by which the applicant must mail the application, which shall be not less than ten days and not more than forty days following the date on which such enrollment period is advertised for the first time. This Part Rule applies to all advertising media: i.e., mail, newspapers, radio, television, magazines and periodicals, by any one insurer. The phrase "any one insurer" includes all the affiliated companies of a group of insurance companies under common management or control. This Part Rule does not apply to the use of a termination or cut-off date beyond which an individual application for a guaranteed issue policy will not be accepted by an insurer in those instances where the application has been sent to the applicant in response to his request. It is also inapplicable to solicitations to employees or members of a partnership or association with whom otherwise would be eligible under existing contracts of insurance. Code of Insurance Group is blanket insurance. In cases where an insurance product is marketed on a direct mail basis to prospective insureds by reason

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

of some common relationship with a sponsoring organization, this Part Rule shall be applied separately to such sponsoring organization.

- n) An advertisement of a particular policy shall not state or imply that prospective insureds shall be or become members of a special class, group, or quasi-group and as such enjoy special rates, dividends or underwriting privileges, unless such is the fact.
- o) An advertisement shall not make unfair or incomplete comparisons of policies, benefits, dividends or rates of other insurers. An advertisement shall not falsely or unfairly describe other insurers, their policies, services or methods of marketing.
- p) An advertisement for the sale of a policy or a proposed funeral contract or prearrangements defined in Section 909.20 of this Part which is funded or to be funded by a life insurance policy or annuity contract, shall disclose the following:
 - 1) the fact that a life insurance policy or annuity contract is involved or being used to fund a prearrangement as defined in Section 909.20 of this Part, and
 - 2) the nature of the relationship among the soliciting producer or producers, the provider of the funeral merchandise or services, the administrator and any other persons,^r
 - 3) the fact that the family or representative of the deceased has the right to change the choice of the prearranged provider of the funeral/cemetery merchandise and services upon the demise of the insured,^r
 - 4) the fact that in the event the policy proceeds exceed the prearranged cost for funeral/cemetery merchandise and services, the excess proceeds will be payable to a secondary beneficiary.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 909.90 Enforcement Procedures

- a) Each insurer shall maintain at its home or principal office a complete file containing a specimen copy of every printed, published or prepared advertisement hereafter disseminated in this State, with a notation indicating the manner and extent of distribution and the form number of any policy advertised. The such file shall be subject to inspection by this Department. All such advertisements shall be maintained in the said file for a period of either four years or until the filing of the next regular report of examination of the insurer, whichever is the longer period of time.
- b) The Department, upon receipt of a copy of this Part Rule shall file a copy of the same with its Annual Statement, a certificate of compliance executed by an authorized officer of the insurer wherein it is stated that, to the best of his knowledge, information and belief, the advertisements which were disseminated by or on behalf of the

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

insurer in this State during the preceding statement year, or during the portion of such year when this Part Rate was in effect, complied or were made to comply in all respects with the provisions of this Part Rate and the Insurance Laws of this State as implemented and interpreted by this Part Rate.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 909.100 Penalties (Renumbered)

Any insurer or any of its officers, directors, producers or employees thereof which, or who, violate any of the provisions of this Part Renumbered, or knowingly participate in or abet such violation, shall be subject to a fine up to \$1000 for each violation and/or subject to suspension or revocation of their certificate of authority or license.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 909.110 Conflict with Other Rules (Renumbered)

It is not intended that this Part Rate conflict with or supersede any rules currently in force or subsequently adopted in this State governing specific aspects of the regulation of life insurance including, but not limited to, rules dealing with the regulation of life insurance companies, the practices in the sale of life insurance and replacement of life insurance policies. Consequently, no disclosure required under any such rules should be deemed to be an advertisement within the meaning of this Part Rate.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

Section 909.120 Severability Provision (Renumbered)

If any Section or portion of a Section of this Part Rate, or the applicability thereof to any person or circumstance, is held invalid by a court, the remainder of the Part Rate, or the applicability of such provision or circumstances, shall not be affected thereby.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

NORTHEASTERN ILLINOIS PLANNING COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) **Heading of the Part:** Fees for Reviewing Applications to Change the Boundaries of a Wastewater Facility Planning Area
- 2) **Code Citation:** 35 Ill. Adm. Code 399
- 3) **Section Numbers:**
Proposed Action:
Amendment
Appendix A
- 4) **Statutory Authority:** Implementing Section 33-5(b) of and authorized by the Northeastern Illinois Planning Act [70 ICS 1705/33-5].
- 5) **A Complete Description of the Subjects and Issues Involved:** This amendment changes the schedule of fees sufficient to pay, in whole or in part, the costs of the proposed amendments to be applied to the request to change the boundaries of wastewater facility planning area as an amendment to the Illinois Water Quality Management Plan.
- 6) **Will this proposed rule replace an emergency rule currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this proposed rule contain incorporation by reference?** No

9) **Are there any other proposed amendments pending on this Part?** No

10) **Statement of Statewide Policy Objectives:** The fee schedule has been designed to cover the cost of Commission review of facility planning area boundary amendments to the Illinois Water Quality Management Plan which includes, but is not limited to, directly identifiable staff salaries, overhead, reproductions, transcripts of proceedings and transportation costs. The proposed rule does not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) **Time, Place, and Manner in which interested persons may comment on this proposed amendment:** Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Ms. Deborah L. Washington
Director: Project Review/Work
Program Development Department
Northeastern Illinois Planning Commission
221 South Western Plaza, Suite 1800
Chicago, Illinois 60606
(312) 454-0400 fax (312) 454-0411

NORTHEASTERN ILLINOIS PLANNING COMMISSION

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: A Designated Management Agency (DMA) is a private or public entity which, under the provisions of the Clean Water Act, has responsibility for planning, treating or transporting domestic liquid wastewater and its residual solids. Only these entities may seek amendments to the Illinois Water Quality Management Plan. This includes agencies responsible for plan implementation by their own direct activities, agencies responsible for overseeing the performance of any person or entity through regulatory or other means, and agencies that review or coordinate overall water quality management agency actions (Areawide Water Quality Management Plan, 8.01(b)). Thus, small businesses or not for profit corporations are not designated management agencies. As regards to small municipalities, background discussions pertaining to the existing water quality management agency structure in the State of Illinois, small municipalities will incorporate the fee costs into their existing development approval costs recapture processes.

B) Reporting, bookkeeping or other procedures required for compliance: Submittal of fee is all that is required.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included in the two most recent regulatory agendas because: a recent review of existing rules by the Northeastern Illinois Planning Commission disclosed the need for change.

The full text of the Proposed Amendment(s) begins on the next page:

NORTHEASTERN ILLINOIS PLANNING COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER I: NORTHEASTERN ILLINOIS PLANNING COMMISSION

PART 399

FEES FOR REVIEWING APPLICATIONS TO CHANGE THE BOUNDARIES OF A WASTEWATER FACILITY PLANNING AREA

SUBPART A: GENERAL

Section	Purpose
399.10	Definitions
399.20	Related Documents
399.30	Applicability
399.40	Relation to Other Fees
399.50	Severability

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES

Section	Applicants Not Subject to Fees
399.110	Fee Calculation
399.120	Manner of Payment
399.130	Refund Agreements

APPENDIX A Rates Charged Per Acre

AUTHORITY: Implementing and authorized by Section 33.5 of the Northeastern Illinois Planning Act [70 ILCS 1705/33.5].

SOURCE: Adopted at 18 Ill. Reg. 9470, effective June 9, 1994; amended at 21 Ill. Reg. _____, effective _____.

NORTHEASTERN ILLINOIS PLANNING COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Section 395 APPENDIX A Rates Charged Per Acre

Date Commission Receives Application	Column A (With Agency Funding pursuant to Section 395.120)	Column B (Without Agency Funding pursuant to Section 395.120)
6/1/97-5/31/98	\$10.00	\$10.00
6/1/98-5/31/99	\$10.00	\$10.00
6/1/99-5/31/2000	\$10.00	\$10.00
6/1/94-5/31/95	\$5-96	\$5-25
6/1/95-5/31/96	\$5-93	\$5-69
6/1/96-5/31/97	\$5-91	\$5-16

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Groundwater Quality
- 2) Code Citation: 35 Ill. Adm. Code 620
- 3) Section Numbers:
620.201 Proposed Action:
620.250 Amended
620.450 Amended
- 4) Statutory Authority: 415 ILCS 5/27
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this regulation may be found in the Board's opinion and order of February 6, 1997 in R97-11. In the Board's proposed new Part 740, the Board refers to provisions in Part 620. As a result of those references, the Board has also amended the specific Sections in Part 620 to provide consistency. Therefore, the Board proposes amendments to Sections 620.201, 620.250, and 620.450 to ensure that all references to Part 620 in the new Part 740 are cross-referenced in the appropriate places.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? Yes. 35 Ill. Adm. Code 740, also proposed in this Illinois Register.
- 10) Statement of Policy Objectives: The Policy Objectives of this rulemaking (R97-11) are those enumerated in Sections 9 and 27 of the Environmental Protection Act. The objective is to protect health and the environment from pollution while providing economically reasonable and technically feasible control options.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R97-11 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-6931

Questions regarding this proposal may be directed to Amy C. Hoogasian at

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

312-811-8917.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Any small business which may voluntarily decide to clean up a contaminated site pursuant to the Site Remediation Program.

B) Reporting, bookkeeping, or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment(s) begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 620

GROUNDWATER QUALITY

SUBPART A: GENERAL

Section	Purpose
620.105	Definitions
620.110	Prohibition
620.115	Incorporations by Reference
620.125	Exemption from General Use Standards and Public and Food Processing Water Supply Standards
620.130	Exclusion for Underground water in Certain Man-Made Conduits
620.135	

SUBPART B: GROUNDWATER CLASSIFICATION

Section	Groundwater Designations
620.201	Class I: Potable Resource Groundwater
620.210	Class II: General Resource Groundwater
620.220	Class III: Special Resource Groundwater
620.230	Class IV: Other Groundwater
620.240	Groundwater Management Zone
620.250	Reclassification of Groundwater by Adjusted Standard
620.260	

SUBPART C: NONDEGRADATION PROVISIONS FOR APPROPRIATE GROUNDWATERS

Section	General Prohibition Against Use Impairment of Resource Groundwater
620.301	Applicability of Preventive Notification and Preventive Response Activities
620.305	Preventive Notification Procedures
620.310	Preventive Response Activities

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section	Applicability
620.401	General Prohibitions Against Violations of Groundwater Quality Standards
620.405	Groundwater Quality Standards for Class I: Potable Resource Groundwater
620.410	Groundwater Quality Standards for Class II: General Resource Groundwater
620.420	Groundwater Quality Standards for Class II: General Resource Groundwater

POLLUTION CONTROL BOARD

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620.430 Groundwater Quality Standards for Class III: Special Resource
Groundwater
620.440 Groundwater Quality Standards for Class IV: Other Groundwater
620.450 Alternative Groundwater Quality Standards

SUBPART E: GROUNDWATER MONITORING AND ANALYTICAL PROCEDURES

Section
620.500 Compliance Determination
620.510 Monitoring and Analytical Requirements

SUBPART F: HEALTH ADVISORIES

Section
620.601 Purpose of a Health Advisory
620.605 Issuance of a Health Advisory
620.610 Publishing Health Advisories
620.615 Additional Health Advice for Mixtures of Similar-Acting Substances

APPENDIX A: Procedures for Determining Human Threshold Toxicant Advisory

APPENDIX B: Procedures for Determining Hazard Index for Class I: Potable

APPENDIX C: Guidelines for Determining Whether Dose Addition of Similar-Acting

Substances in Class I: Potable Resource Groundwaters is

Appropriate

APPENDIX D: Confirmation of an Adequate Corrective Action Pursuant to 35

Ill. Adm. Code 620.250(a)(2)

AUTHORITY: Implementing and authorized by Section 8 of the Illinois

Groundwater Protection Act (415 ILCS 55/8).

SOURCE: Adopted in R99-14(B) at 15 Ill. Reg. 17614, effective November 25,

1991; amended in R99-14(C) at 16 Ill. Reg. 14667, effective September 11, 1992;

amended at 18 Ill. Reg. 14084, effective August 24, 1994; amended in R97-11 at

21 Ill. Reg. _____, effective _____.

SUBPART B: GROUNDWATER CLASSIFICATION

Section 620.201 Groundwater Designations

All groundwaters of the State are designated as:

a) One of the following four classes of groundwater in accordance with

Sections 620.210 through 620.240:

1) Class I: Potable Resource Groundwater;

2) Class II: General Resource Groundwater;

3) Class III: Special Resource Groundwater;

4) Class IV: Other Groundwater; or

b) A groundwater management zone in accordance with Section 620.250, or

POLLUTION CONTROL BOARD

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Section 620.250 Groundwater Management Zone
a) A groundwater management zone as defined in 35 Ill. Adm. Code 740.120
and established under 35 Ill. Adm. Code 740.530.

(Source: Amended at 35 Ill. Reg. _____, effective _____.)

Section 620.250 Groundwater Management Zone

a) Within any class of groundwater, a groundwater management zone may be established as a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants from a site:

1) That is subject to a corrective action process approved by the Agency; or

2) For which the owner or operator undertakes an adequate corrective action in a timely and appropriate manner and provides a written confirmation to the Agency. Such confirmation must be provided in a form as prescribed by the Agency.

b) A groundwater management zone is established upon concurrence by the Agency that the conditions as specified in subsection (a) are met and groundwater management continues for a period of time consistent with the action described in that subsection.

c) Upon the concurrence of the Agency, the Agency's receipt of appropriate documentation which confirms the completion of the action taken pursuant to subsection (a) and which confirms the attainment of applicable standards as set forth in Subpart D. The Agency shall review the on-going adequacy of controls and continued management at the site if concentrations of chemical constituents, as specified in Section 620.450(a)(4)(B), remain in groundwater at the site following completion of such action. The review must take place no less often than every 5 years and the results shall be presented to the Agency in a written report.

d) Notwithstanding subsections (a) and (b) above, a groundwater management zone as defined in 35 Ill. Adm. Code 740.120 may be established in accordance with the requirements of 35 Ill. Adm. Code 740.530 for sites undergoing remediation pursuant to the Site Remediation Program. Such a groundwater management zone shall remain in effect until the requirements set forth at 35 Ill. Adm. Code 740.530(c) are met.

e) While the groundwater management zone established in accordance with 35 Ill. Adm. Code 740.530 is in effect, the otherwise applicable standards as specified in Subpart D of this Part shall not be applicable to the "contaminants of concern," as defined at 35 Ill. Adm. Code 740.120, for which groundwater remediation objectives have been approved in accordance with the procedures of 35 Ill. Adm. Code 740.

f) Notwithstanding subsection (c) above, the review requirements concerning the ongoing adequacy of controls and continued management

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at the site shall not apply to groundwater within a three-dimensional region formerly encompassed by a groundwater management zone established in accordance with 35 Ill. Adm. Code 740.530 while a No Further Remediation Letter Issued in accordance with the procedures of 35 Ill. Adm. Code 740 is in effect.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART D: GROUNDWATER QUALITY STANDARDS

Section 620.450 Alternative Groundwater Quality Standards

- a) Groundwater Quality Restoration Standards
 - 1) Any chemical constituent in groundwater within a groundwater management zone is subject to this Section.
 - 2) Except as provided in subsections (a)(3) or (a)(4) below, the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 apply to any chemical constituent in groundwater within a groundwater management zone.
 - 3) Prior to completion of a corrective action described in Section 620.250(a), the standards as specified in Sections 620.410, 620.420, 620.430, and 620.440 are not applicable to such released chemical constituent, provided that the initiated action proceeds in a timely and appropriate manner.
 - 4) After completion of a corrective action as described in Section 620.250(a), the standard for such released chemical constituent is:
 - A) The standard as set forth in Section 620.410, 620.420, 620.430, or 620.440, if the concentration as determined by groundwater monitoring of such constituent is less than or equal to the concentration for the appropriate class set forth in those Sections; or
 - B) The concentration as determined by groundwater monitoring, if such concentration exceeds the standard for the appropriate class set forth in Section 620.410, 620.420, 620.430, or 620.440 for such constituent; and
 - 1) To the extent practicable, the exceedance has been minimized and beneficial use, as appropriate for the class of groundwater, has been returned; and
 - ii) Any threat to public health or the environment has been minimized.
 - 5) The Agency shall develop and maintain a listing of concentrations derived pursuant to this section. This listing shall be made available to the public and be updated periodically, but no less frequently than semi-annually. This listing shall be published in the Environmental Register.
- b) Coal Reclamation Groundwater Quality Standards

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- 1) Any inorganic chemical constituent or pH in groundwater, within an underground coal mine, or within the cumulative impact area of groundwater for which the hydrologic balance has been disturbed from a permitted coal mine area pursuant to the Surface Coal Mining Land Conservation and Reclamation Act [225 ICS 720] (44th Rev. Stat. 1999-chv-96-1/27-paras-799i1-et-seq-77-as-amended);
- 2) Prior to completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a) and (e), 620.430, and 620.440 are not applicable to inorganic constituents and pH.
- 3) After completion of reclamation at a coal mine, the standards as specified in Sections 620.410(a) and (d), 620.420(a), 620.430, and 620.440 are applicable to inorganic constituents and pH, except:
 - A) The concentration of total dissolved solids (TDS) must not exceed:
 - i) The post-reclamation concentration or 3000 mg/L, whichever is less, for groundwater within the permitted area; or
 - ii) The post-reclamation concentration of TDS must not exceed the post-reclamation concentration of 5000 mg/L, whichever is less, for groundwater in underground coal mines and in permitted areas reclaimed after surface coal mining if the Illinois Department of Mines and Minerals and the Agency have determined that no significant resource degradation is associated with mining (62 Ill. Adm. Code 1780.21(f) and (g)); and
 - B) For chloride, iron, manganese and sulfate, the post-reclamation concentration within the permitted area must not be exceeded.
 - C) For pH, the post-reclamation concentration within the permitted area must not be exceeded within Class I: Potable Resource Groundwater as specified in Section 620.210(a)(4).
 - 4) A refuse disposal area (not contained within the area from which overburden has been removed) is subject to the inorganic chemical constituent and pH requirements of:
 - A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public food processing; and
 - B) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such area that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or
 - C) Subpart D of this Part for such area that is placed into

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

operation on or after the effective date of this Part.

5) For a surface disposal area (not contained within the area from which overburden has been removed) which contains slurry material, Subpart D for such plant that is placed into operation after February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(4)(C) and the following applies to the additional area:

A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such additional refuse disposal area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing; and

B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.

6) A coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, inorganic chemical constituent and pH requirements of Subpart D for such plant that is placed into operation after February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(6)(C) and the following applies to the additional area:

A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such plant that was placed into operation after February 1, 1983 and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing;

B) Section 620.440(c) for such plant that was placed into operation prior to February 1, 1983, and has remained in continuous operation since that date; or

C) Subpart D for such plant that is placed into operation on or after the effective date of this Part.

7) For a coal preparation plant (not located in an area from which overburden has been removed) which contains slurry material, inorganic chemical constituent and pH requirements of Subpart D for such plant that is placed into operation after February 1, 1983, and is modified after that date to include additional area, this Section applies to the area that meets the requirements of subsection (b)(6)(C) and the following applies to the additional area:

A) 35 Ill. Adm. Code 302.Subparts B and C, except due to natural causes, for such additional area that was placed into operation after February 1, 1983, and before the effective date of this Part, provided that the groundwater is a present or a potential source of water for public or food processing; and

B) Subpart D for such additional area that was placed into operation on or after the effective date of this Part.

8) Groundwater Quality Standards for Certain Groundwater Subject to a No Further Remediation Letter under Part 710. While a No Further Remediation Letter is in effect for a region formerly encompassed by a

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENT

Groundwater management zone established under 35 Ill. Adm. Code 710.530, the groundwater quality standards for "contaminants of concern" as defined in 35 Ill. Adm. Code 710.120 within such area shall be the groundwater objectives achieved as documented in the approved Remedial Action Completion Report.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED RULES

1) Heading of the Part: Site Remediation Program

2) Code Citation: 35 Ill. Adm. Code 740

3) Section Numbers:

740.100	New
740.105	New
740.110	New
740.115	New
740.120	New
740.125	New
740.130	New
740.200	New
740.205	New
740.210	New
740.215	New
740.220	New
740.225	New
740.230	New
740.235	New
740.300	New
740.305	New
740.310	New
740.315	New
740.320	New
740.325	New
740.405	New
740.410	New
740.415	New
740.420	New
740.425	New
740.430	New
740.435	New
740.440	New
740.445	New
740.450	New
740.455	New
740.500	New
740.505	New
740.510	New
740.515	New
740.520	New
740.525	New
740.530	New
740.600	New
740.605	New
740.610	New
740.615	New

POLLUTION CONTROL BOARD
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740.620

New

740.625

New

Appendix A

New

Table A

New

Table B

New

Table C

New

Table D

New

Appendix B

New

4) Statutory Authority: 415 ILCS 5/27

5) A Complete Description of the Subjects and Issues Involved: A more complete description of this regulation may be found in the Board's opinion and order of February 6, 1997 in 97-11. The Board is proposing this new Part 740, the Site Remediation Program (SRP), which will establish procedures for the investigative and remedial activities at sites where there is a release, threatened release, or suspected release of hazardous substances, pesticides or petroleum and for the review and approval of those activities. The SRP is voluntary; any person performing site investigation or remediation may elect to proceed under the SRP. Once a participant decides to enter into the SRP, the proposed rule requires that a Remediation Applicant (RA) submit an application and enter into a service agreement with the Agency. Subsequently, the RA must perform a site investigation. If contamination is discovered, the RA must develop remediation objectives. Further, if remediation is necessary to achieve the remediation objectives, the RA must submit a Remedial Action Plan to the Agency for approval. After the remedial action is approved by the Agency, the RA must submit a remedial action completion report to show that the remediation objectives have been achieved. Once the remedial action completion report is approved by the Agency, the Agency will then issue a No Further Remediation (NFR) Letter to the RA. The NFR Letter is considered to be prima facie evidence that the site does not constitute a threat to human health and the environment. The NFR Letter signifies that no further remediation is required under the Act so long as the site is used in accordance with the terms of the NFR Letter. This proposal establishes a program which is designed to ensure cleanup of contaminated property in Illinois based on an analysis of risks associated with current and future uses of a site. The SRP provides incentives to clean up abandoned or under-used property within the State of Illinois.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

POLLUTION CONTROL BOARD

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- 10) **Statement of Policy Objectives:** The Policy Objectives of this rulemaking are those enumerated in Sections 9 and 27 of the Environmental Protection Act. The objective is to protect health and the environment from pollution while providing economically reasonable and technically feasible control options.

- 11) **Time, Place, and Manner in which Interested Persons May Comment on this Proposed Rulemaking:** Written comments concerning this rulemaking should reference 897-11 and be sent to:

Dorothy Gunn
Clerk of the Pollution Control Board
100 West Randolph Street
Suite 11-500
Chicago, IL 60601
312-814-6931

Questions regarding this proposal may be directed to Amy C. Hoogasian at 312-814-8917.

- 12) **Initial Regulatory Flexibility Analysis:**

A) **Types of small businesses affected:** Any small business which may voluntarily decide to clean up a contaminated site pursuant to the Site Remediation Program.

B) **Reporting, bookkeeping, or other procedures required for compliance:** Reporting requirements will be particular to each site and will be agreed to by the Agency and the Remediation Applicant.

C) **Types of professional skills necessary for compliance:** All plans and reports submitted for review and evaluation by the Agency shall be prepared by, or under the supervision of, a licensed professional engineer (LPE). The LPE shall also conduct and supervise all remediation site activities.

- 13) **Regulatory Agenda on which this rulemaking was summarized:** January 1997

The full text of the Proposed Rule(s) begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER 1: POLLUTION CONTROL BOARD

PART 740

SITE REMEDIATION PROGRAM

SUBPART A: GENERAL

Section	Purpose
740.100	Applicability
740.105	Permit Waiver
740.110	Agency Authority
740.115	Definitions
740.120	Incorporations by Reference
740.125	Severability
740.130	

SUBPART B: APPLICATIONS AND AGREEMENTS FOR REVIEW AND EVALUATION SERVICES

Section	Purpose
740.200	General
740.205	Submission of Application and Agreement
740.210	Approval of Application and Agreement
740.215	Approval or Denial of Application and Agreement
740.220	Acceptance and Modification of Application and Agreement
740.225	Termination of Agreement by the Remediation Applicant (RA)
740.230	Termination of Agreement by the Agency
740.235	Use of Review and Evaluation Licensed Professional Engineer (RELPE)

SUBPART C: RECORDKEEPING, BILLING AND PAYMENT

Section	Purpose
740.300	General
740.305	Recordkeeping for Agency Services
740.310	Request for Payment
740.315	Submission of Payment
740.320	Manner of Payment

SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES, PREPARATION OF PLANS AND REPORTS

Section	Purpose
740.400	General
740.405	Conduct of Site Activities and Preparation of Plans and Reports by Licensed Professional Engineer (LPE)
740.410	Form and Delivery of Plans and Reports, Signatories and

POLLUTION CONTROL BOARD

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to be submitted under this Part.

- d) Except for sites excluded under subsection (a), investigative or remedial activities at agricultural facilities may be performed under this Part.
- e) All applicable requirements of this Part, including those for plans and reports, shall be satisfied prior to the issuance of a No Further Remediation Letter.

Section 740.110 Permit Waiver

A State permit or permit revision which is not otherwise required by Federal law or regulations shall not be required for remedial activities undertaken pursuant to the provisions of this Part that occur entirely on the remediation site. (Section 58.4 of the Act)

Section 740.115 Agency Authority

Nothing in this Part shall limit the authority of the Agency to provide notice under subsection (g) of Section 4 of the Act or to undertake investigative, preventive or corrective action under any other applicable provisions of the Act. (Section 58.9(e) of the Act) The Agency may use the procedures of this Part, as appropriate (e.g., service agreements, determination of remediation objectives, and recording requirements), for remediation sites where the Remediation Applicant (RA) is seeking a release pursuant to Section 4(y) of the Act.

BOARD NOTE: Under Section 4(y) of the Act, the Agency has the authority to release any person from further responsibility for preventive or corrective action under the Act following the successful completion of preventive or corrective action undertaken by such person upon written request by the person. This release is less extensive than the No Further Remediation Letter available under Section 58.10 of the Act and Subpart F of this Part. However, in some instances, the procedures required to obtain a No Further Remediation Letter are not necessary, and the Remediation Applicant may prefer a more limited approach and the release offered under Section 4(y). This Section offers Remediation Applicants the opportunity, where appropriate, to work with the Agency within the service agreement structure and to use the procedures for determining remediation objectives under 35 Ill. Adm. Code 742. The Act does not provide for the review of decisions under Section 4(y) of the Act.

Section 740.120 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act.

"Act" means the Environmental Protection Act [415 ILCS 5].

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

"Agency" means the Illinois Environmental Protection Agency. (Section 3.01 of the Act)

"Agency travel costs" means costs incurred and documented for travel in accordance with 80 Ill. Adm. Code 2800 and 3000 by individuals employed by the Agency. Such costs include costs for lodging, meals, travel, automobile mileage, vehicle leasing, tolls, taxi fares, parking and miscellaneous items.

"Agricultural facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites. (Section 58.2 of the Act)

"ASTM" means the American Society for Testing and Materials. (Section 58.2 of the Act)

"Authorized agent" means a person who is authorized by written consent or by law to act on behalf of an owner, operator, or Remediation Applicant.

"Board" means the Pollution Control Board.

"Contaminant of concern" or "regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the remediation applicant based upon reasonable inquiry. (Section 58.2 of the Act)

"Costs" means all costs incurred by the Agency in providing services pursuant to a Review and Evaluation Services Agreement.

"Groundwater management zone" or "GMZ" means a three dimensional region containing groundwater being managed to mitigate impairment caused by the release of contaminants of concern at a remediation site.

"Indirect costs" means those costs incurred by the Agency which cannot be attributed directly to specific remedial activities but which are necessary to support remedial activities, including, but not limited to, such expenses as managerial and administrative services, building rent and maintenance, utilities, telephone and office supplies.

"Laboratory costs" means costs for services and materials associated with identifying, analyzing, and quantifying chemical compounds in samples at a laboratory.

"Licensed Professional Engineer" or "LPE" means a person, corporation

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or partnership licensed under the laws of this State to practice professional engineering. (Section 58.2 of the Act)

"Other contractual costs" means costs for contractual services not otherwise specifically identified, including, but not limited to, printing, blueprints, photography, film processing, computer services and overnight mail.

"person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body, including the United States Government and each department, agency and instrumentality of the United States. (Section 58.2 of the Act)

"Personal services costs" means costs relative to the employment of individuals by the Agency. Such costs include, but are not limited to, hourly wages and fringe benefits.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. (Section 58.2 of the Act; Illinois Pesticide Act (415 ILCS 60/4))

"Practical quantitation limit" or "PQL" or "Estimated quantitation limit" means the lowest concentration that can be reliably measured within specified limits of precision and accuracy for a specific analytical method. It is determined by the Agency for each type of waste in accordance with "Test Methods for Evaluating Solid Wastes. Physical/Chemical Methods," EPA Publication No. SW-846, incorporated by reference at Section 740.125 of this Part. For filtered water samples, PQL also means the Method Detection Limit or Estimated Detection Limit in accordance with the applicable method revision in "Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010; "Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039; "Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/4-92/129; or "Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/4-95/131, all of which are incorporated by reference at Section 740.125 of this Part.

"Reasonably obtainable" means that a copy or reasonable facsimile of the record must be obtainable from private entity or government agency by request and upon payment of a processing fee, if any.

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"Recognized environmental condition" means the presence or likely presence of any regulated substance or pesticide under conditions that indicate a release, threatened release or suspected release of any regulated substance or pesticide at, on, to or from a remediation site into structures, surface water, sediments, groundwater, soil, fill or geologic materials. The term shall not include de minimis conditions that do not present a threat to human health or the environment.

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) and petroleum products, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). (Section 58.2 of the Act)

"Regulated substance of concern" or "contaminant of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry. (Section 58.2 of the Act)

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, infecting, escaping, leaching, dumping, or disposing into the environment, but excludes any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer or such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Federal Atomic Energy Act of 1954, if such release is attributable to equipment or facilities to which the provisions of the Atomic Energy Regulatory Commission under Section 170 of such Act; and the normal application of fertilizer. (Section 3.33 of the Act)

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7 of the Act, including, but not limited to, the conduct of site investigations, preparation of work plans and reports, removal or treatment of contaminants, construction and maintenance of engineered barriers, and/or implementation of institutional controls. (Section 58.2 of the Act)

"Remediation applicant" or "RA" means any person seeking to perform or performing investigative or remedial activities under Title XVII of the Act, including the owner or operator of the site or persons authorized by law or consent to act on behalf of the owner or operator of the site. (Section 58.2 of the Act)

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"Remediation objective" means a goal to be achieved in performing remedial action, including but not limited to the concentration of a contaminant, an engineered barrier or engineered control, or an institutional control established under Section 58.5 of the Act or Section 740. Subpart D of this Part.

"Remediation site" means the single location, place, tract of land, or parcel or portion of any parcel of property, including contiguous property separated by a public right-of-way, for which review, evaluation, and approval of any plan or report has been requested by the Remediation Applicant in its application for review and evaluation services. This term also includes, but is not limited to, all buildings and improvements present at that location, place, or tract of land.

"Residential property" means any real property that is used for habitation by individuals or where children have the opportunity for exposure to contaminants through ingestion or inhalation at educational facilities, health care facilities, child care facilities, or playgrounds. (Section 58.2 of the Act)

"Review and Evaluation Licensed Professional Engineer" or "RELPE" means the licensed professional engineer with whom Remediation Applicant (RA) has contracted to perform review and evaluation services under the direction of the Agency.

"Site" means any single location, place, tract of land or parcel of property or portion thereof, including contiguous property separated by a public right-of-way. (Section 58.2 of the Act) This term also includes, but is not limited to, all buildings and improvements present at that location, place or tract of land.

Section 740.125 Incorporations by Reference

The Board incorporates the following material by reference. These incorporations include no later amendments or editions.

a) ASTM American Society for Testing Materials, 1916 Race Street, Philadelphia, PA 19103. (215) 299-5400

ASTM E 1527-94, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, vol. 11.04, approved April 15, 1994.

b) U.S. Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. (202) 783-3238

"Test Methods for Evaluating Solid Wastes, Physical/Chemical

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Methods," EPA Publication No. SW-846 (Third Edition (September 1986), as amended by Update I (July 1992)).

c) NRTS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161. (703) 487-4600

"Methods for the Determination of Metals in Environmental Samples," EPA Publication No. EPA/600/4-91/010 (June 1991);

"Methods for the Determination of Organic Compounds in Drinking Water," EPA Publication No. EPA/600/4-88/039 (December 1988) (revised July 1991);

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement II," EPA Publication No. EPA/600/R-92/129 (August 1992);

"Methods for the Determination of Organic Compounds in Drinking Water, Supplement III," EPA Publication No. EPA/600/R-95/131 (August 1995).

d) United States Environmental Protection Agency, Office of Emergency and Remedial Response, Washington, D.C. 20460.

"A Compendium of Superfund Field Operations Methods," EPA/540/0-87-001, OSWER Directive 9355.0-14 (December 1987);

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume I: Solids and Ground Water, Appendices A and B," EPA/625/R-93/003a (May 1993);

"Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D," EPA/625/R-93/003b (May 1993).

Section 740.130 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or any Section, subsection, sentence or clause thereof not judged invalid.

SUBPART B: APPLICATIONS AND AGREEMENTS FOR REVIEW AND EVALUATION SERVICES

Section 740.200 General

This Subpart sets forth the requirements to be followed by Remediation Applicants (RA) in applying for review and evaluation services from the Agency,

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provides for approval or denial of applications by the Agency, and sets forth the requirements to be followed in entering into or terminating agreements to provide review and evaluation services and any related services that the RA may request.

Section 740.205 Submittal of Application and Agreement

Site Remediation Program Applications (Applications) and Review and Evaluation Services Agreements (Agreements) shall be submitted to the Agency on forms prescribed and provided by the Agency with attachments as necessary. Applications and Agreements may be combined into one form. Applications and Agreements shall be mailed or delivered to the address designated by the Agency on the forms. Requests that are hand-delivered shall be delivered during the Agency's normal business hours.

Section 740.210 Contents of Application and Agreement

- a) The Application shall, at a minimum, contain the following information:
 - 1) The full legal name, address, and telephone number of the RA, the remediation site owner, if different from the RA, and any authorized agents acting on behalf of the RA or remediation site owner, and any contact persons to whom inquiries and correspondence must be addressed;
 - 2) The original signature of the RA or of the authorized agent acting on behalf of the RA;
 - 3) For applicants other than the remediation site owner, written permission from the owner, or the authorized agent of the owner, for conducting investigative and remedial activities;
 - A) Where the remediation site extends across property boundaries, written permission must be obtained from the owner of each affected property;
 - B) The written permission shall clearly identify the owner of the remediation site and the remedial services sought;
 - C) The written permission shall contain the original signature of the owner; and
 - D) Where the RA is authorized by law to act on behalf of the owner of the remediation site, the RA shall provide written documentation of that authority;
- 4) The remediation site address, site name, the Illinois inventory identification number, if assigned, and the approximate size of the remediation site in acres;
- 5) A statement of the nature of the No Further Remediation determination requested;
- A) The statement shall indicate whether the RA is requesting a No Further Remediation determination under Section 58.10 of the Act for:
 - 1) A limited number of recognized environmental

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- conditions and related contaminants of concern as specified by the RA and identified by a focused site investigation under Section 58.10, subsection (b), of the Act;
- ii) All recognized environmental conditions and related contaminants of concern for the remediation site as identified by a comprehensive site investigation under Section 740.420 of this Part; or
- B) The statement shall indicate whether the RA is requesting a release under Section 4(v) of the Act;
- 6) A statement identifying the recognized environmental conditions and related contaminants of concern for which the RA is seeking the No Further Remediation determination as follows:

- A) If the RA is requesting a No Further Remediation determination under subsection (a)(5)(A)(i) above, the RA shall specify, to the extent reasonably possible, the limited recognized environmental conditions to be addressed, including the related contaminants of concern; or
- B) If the RA is requesting a No Further Remediation determination under subsection (a)(5)(A)(ii) above, the RA shall generally state that all recognized environmental conditions and related contaminants of concern identified by the comprehensive site investigation to be conducted under Section 740.420 of this Part shall be addressed;
- 7) Site base map(s) of sufficient detail and accuracy to show all of the following:
 - A) A distance of at least 1,000 feet around the remediation site at a scale no smaller than one inch equal to 200 feet;
 - B) Map scale, north arrow orientation, date, and location of the site with respect to township, range, and section;
 - C) Remediation site boundary lines, with the owners of property adjacent to the remediation site clearly indicated, if reasonably identifiable; and
 - D) Surrounding land uses (e.g., residential property, industrial/commercial property, agricultural property, and other property).
- 8) Identification of the following:
 - A) Any support services being sought from the Agency in addition to the review and evaluation services; and
 - B) Anticipated schedule;
- 9) A statement of the current use of the remediation site and of post-remediation uses;
- 10) A list of all Agency permits pertaining to the remediation site currently held by the owner and operator;
- 11) The Federal Employer Identification Number (FEIN) or Social Security Number (SSN) of the RA; and
- 12) The signature of the RA certifying the accuracy and completeness of the application.

- b) The Agreement may include the conditions set forth in subsection (c),

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as well as any additional support services to be provided by the Agency, as set forth in subsection (d) and as may be requested by the RA, and any terms and conditions necessary to accomplish those services.

- c) For sites excluded under Section 740.105 or 740.215 of this Act, the Agency shall, subject to available resources, agree to provide review and evaluation services for activities carried out pursuant to this Part for which the RA requested the services in writing. As a condition for providing services, the Agency may require that the RA for a remediation site:
 - 1) Conform with the procedures of the Act and this Part;
 - 2) Allow for or otherwise arrange remediation site visits or other remediation site evaluation by the Agency when so requested;
 - 3) Agree to perform the Remedial Action Plan as approved under this Part;

4) Agree to pay any reasonable costs incurred and documented by the Agency in providing such services pursuant to this Part;

5) Make an advance partial payment to the Agency for such anticipated services:

- A) The Agency shall make a partial payment in the amount of \$500 may be submitted along with the Application and Payment Form;
- B) The applicant may request on a form provided by the Agency that the Agency estimate the total costs to the Agency of providing the requested services and assess an advance partial payment in an amount acceptable to the Agency but not to exceed \$5,000 or one-half of the total anticipated costs of the Agency, whichever is less;
- 6) Demonstrate, if necessary, authority to act on behalf of or in lieu of the owner or operator. (Section 58.7(b)(1)(A)-(F) of the Act)

d) In addition to review and evaluation services, the RA may request and the Agency may provide other types of support services under terms and conditions agreed to by the parties and set forth in the Agreement. Additional services offered by the Agency include, but are not limited to:

- 1) Sample collection and analyses;
- 2) Assistance with community relations; and
- 3) Coordination and communication between the RA and other governmental entities.

Section 740.215 Approval or Denial of Application and Agreement

- a) The Agency shall have 30 days from the receipt of an Application to approve or deny the Application. The Agency's record of the date of receipt of an Application shall be deemed conclusive unless a contrary date is proved by a dated, signed receipt from the Agency or certified or registered mail. Reasons for denial of an Application shall include, but not be limited to, the following:

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- 1) The Application is deemed incomplete;
- 2) The remediation site or the investigative and remedial activities requested by the RA do not satisfy the applicability requirements set forth at Section 740.105 of this Act or the Agency is unable to provide the requested services;
- 3) The Agency has exhausted its resources or is unable to provide the requested services as requested by the RA in writing whether the Application is approved or denied. The notification shall be made by certified or registered mail postmarked with a date stamp and with return receipt requested. The Agency's final determination shall be deemed to have taken place on the post-marked date that the notice is mailed. If the Agency denies an Application for services, the notice of denial shall state the reasons for the denial.

c) The RA may agree to waive the review deadline under this Section at the request of the Agency or on its own discretion.

- d) Except for denials under subsection (a)(3) above, if the Agency denies an Application, the RA may, within 35 days after receipt of the final determination, file an appeal with the Board. If the Agency fails to make the final determination on an Application within the time frame provided under subsection (a) or (c) above, that failure shall constitute an appeal. The Appeal shall be filed within 35 days after the expiration of the deadline. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. If the Application or Agreement is denied, in lieu of an immediate appeal to the Board, the RA may either resubmit the Application or Agreement to the Agency or file a joint request for a 90-day extension in the manner provided for extensions of permit decisions in Section 40 of the Act [415 ILCS 5/40].

Section 740.220 Acceptance and Modification of Application and Agreement

a) A signed Agreement shall become effective upon approval by the Agency of the Application and the receipt of the advance partial payment in an amount determined under Section 740.210(c) of this Part.

- b) Upon approval of the Application and receipt of the signed Agreement and advance partial payment, recordkeeping and reporting required by the Agency shall be subject to the provisions of Subpart C of this Part.
- c) Modifications to the Application or Agreement shall be by mutual agreement of the parties and may be initiated by the RA or the Agency at any time. All modifications to the Application or Agreement shall be in writing and shall become effective upon signing by the RA and acceptance by the Agency unless another date is provided in the modification.

d) If the Agency denies any request for modifications to the Application or Agreement, the RA may file an appeal within 35 days after receipt of notice of the Agency's denial. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. If any request for modifications to the Application or

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Agreement is denied, in lieu of an immediate appeal to the Board, the RA may either resubmit the request for modification to the Agency or file a joint request for a 90-day extension in the manner provided for in Section 40 of the Act [415 ILCS 5/40].

Section 740.225 Termination of Agreement by the Remediation Applicant (RA)

- a) An RA requesting services under this Part may, at any time, notify the Agency, in writing, that Agency services previously requested are no longer wanted. Within 180 days after receipt of the notice, the Agency shall provide the RA with a final invoice for services provided until the date of receipt of such notification. (Section 58.7(b)(3) of the Act)
- b) Within 45 days after the receipt of a final invoice prepared under subsection (a) above and Section 740.310 of this Part, the RA shall submit full payment to the Agency for any unpaid oversight costs the Agency has as identified in the invoice. Submittal and manner of payment shall be as provided under Sections 740.315 and 740.320 of this Part.
- c) Upon finding that the RA has paid oversight costs, the Agency shall notify the RA in writing by certified mail, return receipt requested, that the Agreement is terminated.

Section 740.230 Termination of Agreement by the Agency

- a) The Agency may terminate the Review and Evaluation Services Agreement if the RA:
 - 1) Fails to comply with the requirements of Title XVII of the Act or this Part;
 - 2) Violates any terms or conditions or fails to fulfill any obligations of the Agreement;
 - 3) Fails to proceed in a timely and appropriate manner consistent with the schedule set forth in the Application, Remedial Action Plan, or as subsequently modified by agreement with the Agency; or
 - 4) Fails to address an imminent and substantial threat to human life, health or the environment in a timely and effective manner.
- b) Prior to termination of an Agreement the Agency shall notify the RA in writing of its intention to terminate the Agreement and the reasons for the intended termination. Except for terminations under subsection (a)(4) above, the Agency shall provide the RA with a reasonable opportunity of not less than 15 days to correct deficiencies.
- c) The Agency shall notify the RA in writing of its final decision to terminate the Agreement. The notice of termination shall be made in accordance with Section 740.215(b) of this Part. The notice of termination shall state the reasons for the termination.
- d) Except for terminations under subsection (a)(4) above, if the Agency

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terminates an Agreement, the RA may, within 35 days after receipt of the final determination, file an appeal with the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in the Board's Rules of Procedure. The Agency shall be responsible for payment for all unpaid costs incurred by the Agency under the Agreement to the date of termination may be included with the notice of termination or may be sent as soon thereafter as practicable, but no later than 180 days after the Agency's issuance of the notice of termination. The request for payment shall comply with Section 740.310 of this Part. Within 45 days after the receipt of the request for payment the RA shall submit full payment to the Agency. Submittal and manner of payment shall be as provided in Sections 740.315 and 740.320 of this Part.

Section 740.235 Use of Review and Evaluation Licensed Professional Engineer (RELPE)

An RA may elect to contract with a Licensed Professional Engineer who will perform review and evaluation services on behalf of or under the direction of the Agency relative to the activities of Section 58.7(c) of the Act. The RA shall provide the following information to the Agency under this Part:

- a) Prior to entering into contract with a Licensed Professional Engineer (RELPE), the Review and Evaluation Licensed Professional Engineer (RELPE) shall provide the RA with the information detailed in Part 740-Appendix B.
- b) Prior to entering into the contract with the RELPE, the RA shall notify the Agency of the RELPE to be selected. In making the notification, the RA shall submit the information detailed in Part 740-Appendix B as provided by the RELPE. The Agency and the RA shall discuss the potential terms of the contract. (Section 58.7(c)(1) of the Act)

c) At a minimum, the contract with the RELPE shall provide that the RELPE will submit any plans or reports directly to the Agency, will take his or her directions for work assignments from the Agency, and will perform the assigned work on behalf of the Agency. (Section 58.7(c)(2) of the Act)

- 1) The contract with the RELPE shall set forth the scope of work for the contract.
- 2) The contract with the RELPE shall set forth the effective date of the contract.
- 3) The Agency shall not be liable for any activities conducted by the RELPE or for any costs incurred by the RELPE.
- 4) Reasonable costs incurred by the Agency for oversight of the RELPE and its review and evaluation services shall be paid by the RA directly to the Agency in accordance with the terms of the Review and Evaluation Services Agreement entered into under this Part. (Section 58.7(c)(3) of the Act)
- 5) In no event shall the RELPE acting on behalf of the Agency be an

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employee of the RA or the owner or operator of the site or be an employee of any other person the RA has contracted to provide services relative to the site. (Section 38.7(c)(4) of the Act)

SUBPART C: RECORDKEEPING, BILLING AND PAYMENT

Section 740.300 General

This Subpart sets forth the requirements to be followed in requesting and submitting payments for Agency costs incurred under this Part.

Section 740.305 Recordkeeping for Agency Services

a) Costs incurred by the Agency shall be tracked within the Agency by the use of site-specific codes. The following types of costs shall be documented as applicable:

- 1) Personal services costs and indirect costs;
- 2) Agency travel costs;
- 3) Agency telephone costs;
- 4) Laboratory and artistic services contractual costs;
- 5) Other contractual costs; and
- 6) Other costs as agreed.

b) Vouchers associated with review and evaluation services for sites under this Part shall be identified by the assigned site-specific codes.

c) All Agency personnel performing review and evaluation services or other support services for a site under this Part shall allocate their time to that site using the assigned site-specific codes.

Section 740.310 Request for Payment

a) The Agency shall prepare a written request for payment for costs incurred for services provided under the Agreement. Costs shall be itemized and the documentation shall be made available to the RA upon written request. Requests for payment shall be submitted to the RA no more than quarterly unless the request is at the conclusion or termination of an Agreement.

b) The first request for payment shall reflect the deduction of any advance partial payment from the costs incurred. A request for payment shall not be sent until the advance partial payment has been depleted.

c) Within 35 days after the receipt of a request for payment, the RA may appeal the reasonableness of any request for payment. Appeals of any request which do not exceed, in the aggregate, the Agency's cost estimate provided under Section 740.210(c)(5) or \$9,000, whichever is greater, shall be limited to the grounds that the services on which the request is based were not actually performed. Appeals to the Board shall be in the manner provided for the review of permit

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decisions in Section 40 of the Act.

Section 740.315 Submittal of Payment

Unless appealed in accordance with Section 740.210(c) of this Part, payments for costs incurred by the Agency for the performance of services under this Part shall be submitted to the Agency within 45 days after receipt of the request for payment, except for advance partial payments, which may be submitted along with the Application and Agreement or subsequent to the receipt of the Agency's determination under Section 740.210(b)(2)(E)(ii) of this Part.

Section 740.320 Manner of Payment

Payment shall be made by check or money order made payable to "Treasurer - State of Illinois, For Deposit in the Hazardous Waste Fund." The check or money order shall include the Illinois inventory identification number and the Federal Employer Identification Number or Social Security Number of the RA entering into an Agreement under this Part. Payment shall be mailed or delivered to the address designated by the Agency in the request for payment. Payments that are hand-delivered shall be delivered during the Agency's normal business hours.

SUBPART D: SITE INVESTIGATIONS, DETERMINATION OF REMEDIATION OBJECTIVES, PREPARATION OF PLANS AND REPORTS

Section 740.400 General

This Subpart sets forth the requirements for site investigations, determination of remediation objectives, and the form and content of plans and reports submitted to the Agency under this Part.

Section 740.405 Conduct of Site Activities and Preparation of Plans and Reports by Licensed Professional Engineer (LPE)

All remediation site activities shall be conducted by or under the supervision of a Licensed Professional Engineer (LPE). All plans and reports submitted for review and evaluation shall be prepared by, or under the supervision of, an LPE.

Section 740.410 Form and Delivery of Plans and Reports, Signatories and Certifications

a) All plans and reports prepared under this Part shall be submitted to the Agency on forms prescribed and provided by the Agency with attachments and accompanying documentation as necessary. Plans and reports shall be mailed or delivered to the address designated by the Agency on the forms. Plans and reports that are hand-delivered to the Agency shall be delivered during the Agency's normal business hours.

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- b) All plans and reports submitted to the Agency shall include:
- 1) The full legal name and address, and telephone number of the individual responsible for the preparation of the RA, and any contact persons to whom inquiries and correspondence must be addressed;
 - 2) The original signature of the RA or of any authorized agent acting on behalf of the RA;
 - 3) The name of the LPE responsible for site activities and preparation of the plan or report, the date of preparation, registration number, license expiration date, and professional seal; and
 - 4) Except as provided in subsection (c) below, the LPE responsible for the site investigations, remedial activities, and preparation of the plans or reports shall affirm by original signature as follows:

I attest that all site investigations or remedial activities that I am subject to the plan or report were conducted in accordance with the provisions of this Act, and all attachments were prepared under my direction or reviewed by me, and, to the best of my knowledge and belief, the work described in the plan or report has been designed or completed in accordance with the Act, 35 Ill. Adm. Code 740, and generally accepted engineering practices, and the information presented is accurate and complete.

- c) If the investigation relies in whole or in part upon investigations or remedial activities conducted before the affirming LPE's assumption of responsibility for site activities, then the LPE is not required to affirm that those portions of the investigation or remedial activities were carried out under his or her direction. However, the LPE shall review the documentation of the prior investigations or remedial activities and evaluate their suitability for compliance with Title 35 of the Act and the Act's Act. Such an evaluation shall be submitted to the Agency for consideration along with the LPE's written evaluation of suitability, but the Agency shall not be required to accept the information as evidence of compliance with any requirements of the Act or this Part.

- d) The RA may elect to prepare and submit for review and approval any and all reports and plans required under this Part individually following the completion of each such activity or concurrently following the completion of all activities, or in any other combination. (Section 58.6(f) of the Act)

Section 740.415 Site Investigation — General

A site investigation shall be performed under this Part to identify, as indicated within the RA's application for review and evaluation services, all action or specified recognized environmental conditions existing at the remediation

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- site, the related contaminants of concern, and associated factors that will aid in the identification of risks to human health, safety and the environment, the identification of remediation objectives, and the design and implementation of a Remedial Action Plan.
- a) If the RA has elected under the application for review and evaluation services to obtain a No Further Remediation Letter covering all recognized environmental conditions and related contaminants of concern for the remediation site, then the procedures provided under Sections 740.420 and 740.425 of this Part shall be followed.
 - b) If the RA has elected under the application for review and evaluation services to obtain a No Further Remediation Letter covering a limited number of recognized environmental conditions and related contaminants of concern as specified by the RA, then the procedures at Sections 740.430 and 740.435 of this Part shall be followed.
 - c) The RA may revise an election at anytime by initiating a modification of the Review and Evaluation Services Agreement under Section 740.220 of this Part and performing the appropriate site investigation, if necessary.
 - d) Site investigations shall satisfy the following data quality objectives for field and laboratory operations and accuracy:
 - 1) All field sampling activities relative to sample collection, documentation, preparation, labeling, storage, shipment and security, quality assurance and quality control, acceptance criteria, corrective action, and decontamination procedures shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control) and Vol. Two (Field Manual), incorporated by reference at Section 740.125 of this Part. Such activities also may be conducted in accordance with ASTM standards, methods identified in "A Compendium of Superfund Field Operations Methods" (EPA/340/0-87-001, OSWER Directive 9355.0-14, December 1987), "Subsurface Characterization and Monitoring Techniques: A Desk Reference Guide" (EPA/600/3-90/001, May 1993), "Soils and Groundwater Desk Reference Guide" (EPA/625/R-93/003a, May 1993), "Reference Characterization and Monitoring Techniques: A Desk Reference Guide, Volume II: The Vadose Zone, Field Screening and Analytical Methods, Appendices C and D" (EPA/625/R-93/003b, May 1993), or other procedures as approved by the Agency.
 - 2) All field measurement activities relative to equipment and instrument operation, calibration and maintenance, corrective action, and data handling shall be conducted in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), Vol. One, Ch. One (Quality Control), incorporated by reference at Section 740.125 of this Part, or with an equipment or instrument manufacturer's or vendor's published standard operating procedures.
 - 3) All laboratory quantitative analysis of samples to determine

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concentrations of regulated substances or pesticides shall be conducted fully in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 740.125 of this Part, or, if the site facilities, equipment and instrumentation, operating procedures, sample management, test methods, equipment calibration and maintenance, quality assurance and quality control, corrective action, data reduction and validation, reporting, and records management. The practical quantitation limit (PQL) of the test methods selected must be less than or equal to the PQL for the Target Compound List at Appendix A of this Part, or, if the site remediation objective concentrations have been determined, the PQL must be less than or equal to the remediation objective concentrations for the site.

- 4) All field or laboratory measurements of samples to determine physical or geophysical characteristics shall be conducted in accordance with ASTM standards or other procedures as approved by the Agency.
- 5) All Agency laboratory quantitative analyses of samples to determine concentrations of any regulated substances or pesticides that require more exacting detection limits or cannot be analyzed by standard methods identified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846), incorporated by reference at Section 740.125 of this Part, shall be conducted in accordance with analytical protocols developed in consultation with and approved by the Agency.

Section 740.420 Comprehensive Site Investigation

The comprehensive site investigation is designed to identify all recognized environmental conditions and all related contaminants of concern that may be expected to exist at a remediation site. The comprehensive site investigation shall be performed in two phases as set forth below.

- a) The Phase I site assessment shall be approved by the Agency, the Phase I environmental site assessment shall be assigned and implemented in accordance with the procedures for such assessments set forth in "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-94), incorporated by reference at Section 740.125 of this Part.
- b) The Phase II environmental site assessment shall determine the nature, concentration, direction and rate of movement, and extent of the contaminants of concern at the remediation site and the significant physical features of the remediation site and vicinity that may affect contaminant fate and transport and risk to human health, safety and the environment. At a minimum, the Phase II environmental site assessment shall include:

- 1) Sampling, analyses, and field screening measurements indicating the concentrations of contaminants, if any, from the Target

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Compound List at Appendix A of this Part and any other contaminants whose presence has been indicated by the Phase I environmental site assessment. The Agency may add or delete contaminants from the Target Compound List for sampling, analyses, and field screening measurements.

- 2) Characterization of sources and potential sources of recognized environmental conditions and the related contaminants of concern, identifying:
 - A) The sources or potential sources of contamination;
 - B) The contaminants of concern;
 - C) Statutory or regulatory classification of the contaminants of concern and contaminated materials (e.g., hazardous waste, hazardous substance, special waste).

- 3) Characterization of the extent of contaminants of concern, identifying:
 - A) The actual contaminated medium or media;
 - B) The three-dimensional configuration of contaminants of concern with respect to location, depth, and movement;
 - C) The nature, direction, and rate of movement of the contaminants of concern.

- 4) Characterization of present and post-remediation exposure routes, identifying:
 - A) All natural and man-made pathways that are on the remediation site, in rights-of-way attached to the remediation site, or in any areas surrounding the remediation site that may be adversely affected as a result of a release from the recognized environmental conditions) and whether there is evidence of migration of contaminants of concern, in either solution or vapors, along such pathways that may potentially threaten human or environmental receptors or that may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary
 - B) The locations of any human and environmental receptors and receptor exposure routes; and
 - C) Current and post-remediation uses of affected or potentially affected land, groundwater, surface water, and sensitive habitats.

- 5) Characterization of significant physical features of the remediation site and vicinity that may affect contaminant fate and transport and risk to human health, safety and the environment.

Section 740.425 Site Investigation Report -- Comprehensive Site Investigation

- a) Site investigation results for both Phase I and Phase II of the comprehensive site investigation shall be combined into one Site

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Investigation Report.

- b) A Site Investigation Report for a comprehensive site investigation shall be limited to the following chapters:

- 1) Executive summary. This chapter shall identify the objectives of the site investigation and the technical approach utilized to meet such objectives. It shall state whether recognized environmental conditions were identified and the data limitations in the assessment;
- 2) Site characterization. This chapter shall include the compilation of all sources reviewed and information obtained as a result of the site investigation under Section 740.420 of this Part, including but not limited to:

- A) Sources consulted or reviewed. This subchapter shall contain a list of reference documents used in completing the site investigation;

- B) Site history. This subchapter shall present a chronological summary of the historic uses of the remediation site as well as the historic uses of the site for the remediation. Site Assessment, Phase I Environmental Site Assessment, and Phase II Site Assessment, incorporated by reference at Section 740.125 of this Part;

- C) Site description. This subchapter shall describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, existing and potential migration pathways and exposure routes, and current and post-remediation uses of the remediation site and surrounding areas that are immediately adjacent to the remediation site;

- D) Site base map(s) meeting the requirements of Section 740.210(a)(7) and including the following:

- 1) The sources or potential sources of the contaminants of concern, spill areas, and other suspected areas for any of all contaminants of concern;
- ii) On-site and off-site injection and withdrawal wells; and
- iii) All buildings, tanks, piles, utilities, paved areas, easements, rights-of-way and other features, including all known past and current product and waste underground tanks or piping; and

- E) A legal description or reference to a plat showing the boundaries of the remediation site;

- 3) Site-specific sampling plan. This chapter shall indicate those applicable physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, hydrogeological investigations, surface water investigations, and potential receptor investigations;

- 4) Documentation of field activities. This chapter shall include the results of the field activities to determine physical

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characteristics. At a minimum, this chapter shall include the following elements:

- A) Narrative description of the field activities conducted during the investigation;
- B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analyses) performed during the investigation, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented; and
- C) Presentation of the data in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;

- 5) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for contaminants of concern and compare the remediation site information with the applicable provisions of 35 Ill. Adm. Code 742. This chapter shall include:

- A) Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases, and evaluate exposure routes, excluded under 35 Ill. Adm. Code 742;
- B) Describe the nature, concentration and extent of contaminants of concern within all environmental media at the remediation site and assess the observed and potential contaminant fate and transport;
- C) Describe the significant physical features of the remediation site and vicinity that may affect contaminant transport and risk to human health, safety and the environment;

- D) Compare the concentrations of the contaminants of concern with the corresponding Tier I remediation objectives under 35 Ill. Adm. Code 742;

- 6) Conclude that the data in the report and recommended future steps, including but not limited to field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices; and

- 7) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

- 8) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

- Section 740.430 Focused Site Investigation

- The focused site investigation shall be performed where the RA has specified limitations on the recognized environmental conditions or contaminants of concern to be covered by the No Further Remediation Letter. At a minimum the

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focused site investigation shall include:

- a) A remediation site evaluation to identify the following features as related to the remediation site:
 - 1) Current and post-remediation use(s) of the remediation site and surrounding areas that are immediately adjacent to the remediation site;
 - 2) Physical setting including features relevant to geologic, hydrogeologic, hydrologic, and topographic conditions; structures or other improvements on the remediation site; public thoroughfares adjoining the remediation site, as well as any roads, streets, and parking facilities on the remediation site; utilities located on or adjacent to the remediation site; source of potable water supply; and sewage disposal system;
 - 3) The presence of containers and storage tanks containing the selected contaminants of concern, including contents, and assessment of leakage or potential for leakage; and
 - 4) Any other environmental, geologic, geographic, hydrologic or physical conditions of concern at the remediation site and surrounding areas that are adjacent to the remediation site.
- b) Review of reasonably obtainable records relevant to the recognized environmental conditions and the related contaminants of concern for the remediation site and areas immediately adjacent to the remediation site, records of environmental enforcement actions and their subsequent responses, any previous response actions conducted by either local, State, federal or private parties, and a list of documents and studies prepared for the remediation site;
- c) Characterization of sources and potential sources of recognized environmental conditions and the related contaminants of concern, identifying:
 - 1) The sources or potential sources of the contaminants of concern;
 - 2) The sampling, analyses, and field screening measurements indicating the concentrations of the contaminants of concern; and
 - 3) The statutory or regulatory classification of the contaminants of concern (e.g., hazardous waste, hazardous waste, hazardous waste).
- d) Characterization of the extent of the contaminants of concern, identifying:
 - 1) The actual contaminated medium or media of concern;
 - 2) The three-dimensional configuration of the contaminants of concern with concentrations delineated; and
 - 3) The nature, direction, and rate of movement of the contaminants of concern and degradation products;
- e) Characterization of current and post-remediation exposure routes, identifying:
 - 1) All natural and man-made pathways that are on the remediation site, in rights-of-way adjacent to the remediation site, or in any areas surrounding the remediation site that may be adversely affected as a result of a release (from the recognized

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- environmental conditions) and whether there is evidence of migration of contaminants of concern, in either solution or vapors, along such pathways that may potentially threaten human or environmental receptors or that may cause explosions in basements, crawl spaces, utility conduits, storm or sanitary sewers, vaults, oil storage tanks, and other structures;
- 2) The locations of any human and environmental receptors and receptor exposure routes; and
- 3) Current and post-remediation uses of affected or potentially affected land, groundwater, surface water, and sensitive habitats; and
- f) Characterization of significant physical features of the site and vicinity that may affect contaminant transport and risk to human health, safety and the environment.

Section 740.435 Site Investigation Report -- Focused Site Investigation

- a) Data and results from the focused site investigation shall be combined into one Site Investigation Report.
- b) A Site Investigation Report for the Focused site investigation shall include the following information:
 - 1) Executive summary. This chapter shall identify the objectives of the site investigation and the technical approach utilized to meet such objectives. It shall state the recognized environmental conditions and related contaminants of concern specified by the RA and the data limitations in the assessment;
 - 2) Site description.
 - A) If a Phase I environmental site assessment has been completed in accordance with Section 740.420(a) of this Part, then the results may be submitted in accordance with Section 740.435 of this Part;
 - B) This subchapter shall state the method used for the evaluation of the remediation site and areas immediately adjacent to the remediation site and document the observations obtained (e.g., field pictures). It shall also describe the regional location, pertinent boundary features, general facility physiography, geology, hydrogeology, and current and post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;
 - C) Site base map(s) meeting the requirements of Section 740.210(a)(7) and including the following:
 - i) The sources or potential sources of the contaminants of concern, spill areas, and other suspected areas for the specified contaminants of concern;
 - ii) On-site and off-site injection and withdrawal wells; and

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- iii) All buildings, tanks, piles, utilities, paved areas, easements, rights-of-way and other features, including structures, signs and other permanent product and waste storage areas, and underground tanks or piping;
- D) A legal description or reference to a plat showing the boundaries of the remediation site;
- 3) Enforcement or response actions. This chapter shall include the following information as relevant to the recognized environmental conditions:
 - A) A summary of environmental enforcement actions for the remediation site and areas immediately adjacent to the remediation site and their subsequent responses;
 - B) Any previous response actions conducted by either local, State, Federal or private parties at those sites; and
 - C) A list of documents and studies prepared for those sites;
- 4) Site-specific sampling plan. This chapter shall indicate those source investigations, physical and chemical methods utilized for contaminant source investigations, soil and sediment investigations, hydrogeological investigations, and surface water investigations, and potential receptor investigations;
- 5) Documentation of field activities. This chapter shall include the results of the field activities to determine physical characteristics. At a minimum, this chapter shall include the following elements:
 - A) Narrative description of the field activities conducted during the investigation;
 - B) The quality assurance project plan utilized to document all monitoring procedures (e.g., sampling, field measurements and sample analysis) performed during the investigation, so as to ensure that all information, data and resulting decisions are technically sound, statistically valid, and properly documented; and
 - C) Presentation of the data in an appropriate format (e.g., maps and spreadsheets) and organized so that the data are organized, presented logically and that relationships between the different investigations for each medium are apparent;
- 6) Endangerment assessment. This chapter shall analyze the results of the field activities and characterize the extent of contamination (qualitative and quantitative) for contaminants of concern related to the recognized environmental conditions and compare the site information with the applicable provisions of 35 Ill. Adm. Code 742. This chapter shall:
 - A) Describe any recognized environmental conditions, evaluate exposure routes, including threatened releases, and evaluate exposure routes excluded under 35 Ill. Adm. Code 742.Subpart C;
 - B) Describe the nature, concentration and extent of

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- contaminants of concern within all environmental media at the remediation site and areas immediately adjacent to the remediation site and assess the observed and potential contaminant fate and transport; physical features of the remediation site and vicinity that may affect contaminant transport and risk to human health, safety and the environment; and
- D) Compare the concentrations of the contaminants of concern with the corresponding Tier I remediation objectives under 35 Ill. Adm. Code 742;
- 7) Conclusion. This chapter shall assess the sufficiency of the data in the report and recommend future steps;
- 8) Appendices. Supporting documentation, references and data sources, including, but not limited to, field logs, well logs, and reports of laboratory analyses, shall be incorporated into the appendices; and
- 9) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

Section 740.440 Determination of Remediation Objectives

- a) If the site investigation reveals evidence of the existence of one or more contaminants of concern, the RA shall develop remediation objectives in accordance with 35 Ill. Adm. Code 742 or other remediation measures as appropriate (e.g., removal of drums threatening a release).
- b) Where there will be no reliance on an institutional control to achieve compliance, compliance with remediation objectives shall be demonstrated as follows:
 - 1) For groundwater remediation objectives:
 - A) Sampling points shall be located on the remediation site in areas where, following site investigation under Subpart D of this Part, concentrations of contaminants of concern are identified as being of concern;
 - B) Compliance with the groundwater remediation objectives at applicable sampling points shall be determined in accordance with 35 Ill. Adm. Code 742.225.
 - 2) For soil remediation objectives:
 - A) Sampling points shall be located on the remediation site in areas where, following site investigation under Subpart D of this Part, concentrations of concern exceed remediation objectives.
 - B) Compliance with soil remediation objectives at applicable sampling points shall be determined in accordance with 35 Ill. Adm. Code 742.225.
 - 3) Where an institutional control or remediation measure will be relied upon to achieve compliance, compliance shall be determined based on approval by the Agency of the institutional control or remediation

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measure and the timely implementation of the institutional control or remediation measure (e.g., if an institutional control prohibiting the use of groundwater within the boundaries of the remediation site as a potable water supply is obtained under 35 Ill. Adm. Code 742.50 Subpart 2, sampling points shall be located at the boundary of the remediation site).

- d) Upon completing the determination of remediation objectives, the RA shall compile the information into a Remediation Objectives Report meeting the requirements of Section 740.445 of this Part for submittal to the Agency.

Section 740.445 Remediation Objectives Report

The Remediation Objectives Report shall address the recognized environmental condition(s) and related contaminants of concern that were identified in the site investigation conducted pursuant to this Part.

- a) If an exposure route is to be excluded, the RA shall prepare a Remediation Objectives Report demonstrating that the requirements for excluding an exposure route under 35 Ill. Adm. Code 742.50 Subpart C have been satisfied.
- b) If the RA elects to use the Tier 1 remediation objectives under 35 Ill. Adm. Code 742, the RA shall prepare a Remediation Objectives Report stating the applicable remediation objectives for the contaminants of concern.
- c) If the RA elects to develop remediation objectives appropriate for the remediation site using Tier 2 or Tier 3 procedures under 35 Ill. Adm. Code 742, the RA shall prepare a Remediation Objectives Report demonstrating compliance with those procedures.
- d) If the RA elects to develop remediation objectives appropriate for the remediation site using the area background procedures under 35 Ill. Adm. Code 742, the RA shall prepare a Remediation Objectives Report demonstrating compliance with those procedures.
- e) If the recognized environmental condition requires remediation measures other than, or in addition to, remediation objectives determined under 35 Ill. Adm. Code 742 (e.g., removal of drums from the site, site closure), the Remediation Objectives Report shall describe those measures, and also state that the measures selected:
 - 1) will prevent or eliminate the identified threat to human health and the environment;
 - 2) are technically feasible and can be implemented without creating additional threats to human health and the environment; and
 - 3) are not inconsistent with the Act and applicable regulations.
- f) In the event that the Agency has determined in writing that the background level for a regulated substance or pesticide poses an acute threat to human health or the environment at the site when considering the post-remedial action land use, the RA shall develop appropriate risk-based remediation objectives in accordance with subsections (a), (b) and/or (c) above. (Section 58.5(b)(3) of the Act)

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- g) The Remediation Objectives Report shall contain the affirmation of a licensed Professional Engineer(s) in accordance with Section 740.410 of this Part.

Section 740.450 Remedial Action Plan

If the approved remediation objectives for any regulated substance of concern established under Sections 740.440 and 740.445 of this Part are less than the levels at the remediation site prior to any remedial action, the RA shall prepare a Remedial Action Plan. The plan shall describe the proposed remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the remediation site (Section 58.6(d) of the Act), including but not limited to:

- a) Executive summary. This chapter shall identify the objectives of the Remedial Action Plan and the technical approach utilized to meet such objectives. At a minimum, this chapter shall include the following elements:
 - 1) The major components (e.g., treatment, containment, removal actions) of the Remedial Action Plan;
 - 2) The scope of the problems to be addressed by the proposed remedial action(s) including the specific contaminants of concern and the physical area to be addressed by the Remedial Action Plan; and
 - 3) Schedule of activities;
- b) Statement of remediation objectives or reference to Remediation Objectives Report;
- c) Remedial technologies selected. This chapter shall describe how each major remedial technology identified in the Remedial Action Plan fits into the overall strategy for addressing the recognized environmental conditions at the remediation site, including but not limited to:
 - 1) Feasibility of implementation;
 - 2) Whether the technologies will perform satisfactorily and reliably until the remediation objectives are achieved; and
 - 3) Whether remediation objectives will be achieved within a reasonable period of time;
- d) Confirmation of the Remedial Action Plan. This chapter shall describe how the Remedial Action Plan will be implemented, including, at a minimum, a site-specific sampling plan and quality assurance project plan must be prepared in accordance with the provisions set forth in Section 740.415(d) of this Part;
- e) Current and post-remediation use of the property;
- f) Applicable engineered barriers, institutional controls, and groundwater monitoring. This chapter shall describe any such controls selected or relied upon in determining or achieving remediation objectives, including long-term reliability, operating and maintenance plans, and monitoring procedures;
- g) Appendices. References and other informational sources should be incorporated into the appendices and references.

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- b) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.

Section 740.455 Remedial Action Completion Report

- a) Except as provided in subsection (b) below, upon completion of the Remedial Action Plan, the RA shall prepare a Remedial Action Completion Report. The report shall demonstrate whether the remedial action was completed in accordance with the approved Remedial Action Plan and whether the remediation objectives, as well as any other requirements of the plan, have been attained. (Section 58-6(e)(1) of the Act) The report shall include but not be limited to:
- 1) Executive summary. This chapter shall identify the overall objectives of the remedial action and the technical approach utilized to meet those objectives, including:
 - A) A brief description of the remediation site, including the recognized environmental conditions, the contaminants of concern, the contaminated media, and the extent of contamination;
 - B) The major components of the Remedial Action Completion Report;
 - C) The scope of the problems corrected or mitigated by the proposed remedial action(s); and
 - D) The anticipated post-remediation uses of the remediation site and areas immediately adjacent to the remediation site;
 - 2) Field activities. This chapter shall provide a narrative description of the:
 - A) Field activities conducted during the investigation;
 - B) Remedial actions implemented at the remediation site and the performance of each remedial technology utilized;
 - 3) Special conditions. This chapter shall provide a description of any:
 - A) Engineered barriers utilized in accordance with 35 Ill. Adm. Code 742 to achieve the approved remediation objectives;
 - B) Institutional controls accompanying engineered barriers or industrial/commercial property uses in accordance with Section 740.450 of this Part and 35 Ill. Adm. Code 742, including a legible copy of any such controls, as appropriate;
 - C) Post-remedial monitoring, including:
 - i) Conditions to be monitored;
 - ii) Purpose;
 - iii) Locations;
 - iv) Frequency; and
 - D) Other conditions, in the event of an exceedance and health and the environment that are related to the issuance of a No Further Remediation letter;

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- 4) Results. This chapter shall analyze the effectiveness of the remedial action by comparing the results of the confirmation sampling with the results of the remedial action sampling. The data shall state the Agency-approved Remedial Action Plan. The data shall state the remediation objectives or reference the Remedial Objectives Report and be presented in an appropriate format (e.g., tabular and graphical displays) such that all information is organized and presented logically and that relationships between the different investigations for each medium are apparent;
- 5) Conclusion. This chapter shall identify the success of the remedial action in meeting objectives. This chapter shall assess the accuracy and completeness of the data in the report and, if applicable, future work;
- 6) Appendices. References, data sources, and a completed environmental notice form as provided by the Agency shall be incorporated into the appendices. Field logs, well logs and reports of laboratory analyses shall be organized and presented logically and presented in an appropriate format;
- 7) Licensed Professional Engineer affirmation in accordance with Section 740.410 of this Part.
- b) If the approved remediation objectives for the regulated substances of concern established under Sections 740.440 and 740.445 of this Part are equal to or above the levels existing at the site prior to any remedial action, notification and documentation of such, including a description of any engineered barriers, institutional controls, and post-remedial monitoring, shall constitute the entire Remedial Action Completion Report for purposes of this Part. (Section 58-6(e)(2) of the Act)

SUBPART E: SUBMITTAL AND REVIEW OF PLANS AND REPORTS

Section 740.500 General

This Subpart sets forth the requirements for the review of plans and reports submitted under this Part. All plans and reports shall satisfy the requirements for form and delivery set forth in Section 740.410 of this Part.

Section 740.505 Reviews of Plans and Reports

- a) All reviews carried out under this Part shall be carried out by the Agency or a RELPE (Review and Evaluation Licensed Professional Engineer), both under the direction of a Licensed Professional Engineer. (Section 58-7(d) of the Act)
- b) Plans, reports and related activities which the Agency or a RELPE may review include, but are not limited to:
- 1) Site Investigation Reports and related activities;
 - 2) Remediation Objectives Reports;
 - 3) Remedial Action Plans and related activities; and

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- 4) Remedial Action Completion Reports and related activities. (Section 58.7(d)(2) of the Act)
- c) Only the Agency shall have the authority to approve, disapprove, or approve with conditions a plan or report as a result of the review process, including those plans or reports reviewed by a RELPE. (Section 58.7(d)(3) of the Act)
- d) Except as provided in subsection (d)(5) below, the Agency shall have 60 days after the date of any plan report to conduct a review and make a final determination to approve or disapprove the plan or report, or approve the plan or report with conditions. All reviews shall be based on the standards set forth in this Subpart E.
 - 1) The Agency's record of the date of receipt of a plan or report shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from the Agency or certified or registered mail.
 - 2) Submittal of an amended plan or report restarts the time for review.
 - 3) The RA may waive the time line for review upon a request from the Agency or at the RA's discretion.
 - 4) The Agency shall not be required to review any plan or report submitted out of the sequence for plans and reports set forth in this Part.
 - 5) If plans or reports are submitted concurrently, the Agency's timeline for review shall increase to a total of 90 days for all plans or reports so submitted.
- e) Upon completion of the review, the Agency shall notify the RA in writing of its final determination on the plan or report. The Agency's notification shall be made in accordance with Section 740.215(b) of this Part. If the Agency disapproves a plan or report or approves a plan or report with conditions, the written notification shall contain the following information, as applicable:
 - 1) An explanation of the specific type of information or documentation, if any, that the Agency deems the RA did not provide;
 - 2) A listing of the Sections of Title XVII of the Act or this Part that may be violated if the plan or report is approved as submitted;
 - 3) A statement of the specific reasons why Title XVII of the Act or this Part may be violated if the plan or report is approved as submitted;
 - 4) A statement of the reasons for conditions if conditions are required.
- f) The Agency may, to the extent consistent with review deadlines, provide the RA with a reasonable opportunity to correct deficiencies prior to sending a disapproval. However, the correction of such deficiencies by the submittal of additional information may, in the sole discretion of the Agency, restart the time for review.
- g) If the RA has entered into a contract with a RELPE under Subpart B of

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- this Part, the Agency shall assign plans and reports submitted by the RA to the RELPE for initial review.
- 1) The RELPE's review shall be conducted in accordance with this Subpart E.
 - 2) Upon completion of the review, the RELPE shall recommend to the Agency approval or disapproval of the plan or report or approval of the plan or report with conditions.
 - 3) Any plan or report approved by the Agency, the RELPE shall have 30 days to conduct a review of the plan or report to conduct a review and make a final determination to approve or disapprove the plan or report, or approve the plan or report with conditions. All reviews shall be based on the standards set forth in this Subpart E.
 - 1) The Agency's record of the date of receipt of a plan or report shall be deemed conclusive unless a contrary date is proven by a dated, signed receipt from the Agency or certified or registered mail.
 - 2) Submittal of an amended plan or report restarts the time for review.
 - 3) The RA may waive the time line for review upon a request from the Agency or at the RA's discretion.
 - 4) The Agency shall not be required to review any plan or report submitted out of the sequence for plans and reports set forth in this Part.
 - 5) If plans or reports are submitted concurrently, the Agency's timeline for review shall increase to a total of 90 days for all plans or reports so submitted.
 - h) If the Agency disapproves or approves with conditions a plan or report or fails to issue a final determination within the applicable review period and the RA has not agreed to a waiver of the deadline, the RA may, within 35 days after receipt of the final determination or expiration of the deadline, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of the Act. (Section 58.7(d)(5) of the Act)

Section 740.510 Standards for Review of Site Investigation Reports and Related Activities

When reviewing Site Investigation Reports and related activities, the Agency or the RELPE shall consider:

- a) Whether the report is complete and has been accompanied by the information and supporting documentation necessary to evaluate the site investigation activities;
- b) Whether the site investigation has been conducted in accordance with the procedures set forth in Title XVII of the Act and Subpart D of this Part, including but not limited to:
 - 1) Whether a comprehensive site investigation has been designed and implemented in accordance with Section 740.420 of this Part;
 - 2) Whether a focused site investigation has been designed and implemented in accordance with Section 740.430 of this Part; and
 - 3) Whether all sampling and analysis activities have been conducted in accordance with Section 740.415 of this Part; and
- c) Whether the interpretations and conclusions reached are supported by the information gathered (Section 58.7(e)(1) of the Act).

Section 740.515 Standards for Review of Remediation Objectives Reports

When reviewing Remediation Objectives Reports, the Agency or the RELPE shall

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consider:

- a) Whether the report is complete and has been accompanied by the information and supporting documentation necessary to determine whether the remediation objectives have been determined in accordance with 35 Ill. Adm. Code 742 and whether any other remediation objectives are necessary to minimize or eliminate any remaining risk presented by contaminants of concern;
- b) Whether the remediation objectives are consistent with the requirements of the applicable method for selecting or determining remediation objectives (Section 58.7(e)(2) of the Act), including but not limited to:
 - 1) If exposure routes have been excluded under 35 Ill. Adm. Code 742.Subpart C:
 - A) Whether the requirements for the exclusion of exposure routes under 35 Ill. Adm. Code 742 have been satisfied; and
 - B) Whether engineered barriers and institutional controls, if relied on for the exclusion of exposure routes, satisfy the requirements of 35 Ill. Adm. Code 742.
 - 2) If the remediation objectives were based on the determination of area background levels under 35 Ill. Adm. Code 742.Subpart D:
 - A) Whether the review of current and historic conditions at the remediation site or in the immediate vicinity of the site has been thorough (Section 58.7(e)(2)(A) of the Act);
 - B) Whether the remediation site sampling and analysis have been performed in a manner resulting in accurate determinations as provided in 35 Ill. Adm. Code 742 and Section 740.415(d) of this Part (Section 58.7(e)(2)(A) of the Act);
 - C) Whether the requirements for determining area background concentrations under 35 Ill. Adm. Code 742.Subpart D have been satisfied; and
 - D) Whether an area background level for a regulated substance of concern poses an acute threat to human health or the environment at the remediation site when considering the post-remediation property uses.
- 3) If the remediation objectives were determined under 35 Ill. Adm. Code 742.Subpart E:
 - A) Whether the requirements for the use of Tier 1 under 35 Ill. Adm. Code 742 have been satisfied;
 - B) Whether the comparison of the concentrations of regulated substances of concern and the Tier 1 remediation objectives has been performed and the remediation objectives determined for the remediation site in accordance with 35 Ill. Adm. Code 742; and
 - C) Whether engineered barriers and institutional controls, if relied on in the determination of remediation objectives or for industrial/commercial property uses, satisfy the requirements of 35 Ill. Adm. Code 742.
- 4) If the remediation objectives were determined under 35 Ill. Adm.

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Code 742.Subparts F, G, and H:

- A) Whether the requirements for the use of Tier 2 under 35 Ill. Adm. Code 742 have been satisfied;
- B) Whether the calculations performed under 35 Ill. Adm. Code 742 were accurately performed (Section 58.7(e)(2)(B) of the Act);
- C) Whether the site specific data reflect actual remediation site conditions (Section 58.7(e)(2)(B) of the Act);
- D) Whether engineered barriers and institutional controls, if relied on in the determination of remediation objectives or for industrial/commercial property uses, satisfy the requirements of 35 Ill. Adm. Code 742.
- 5) If remediation objectives were determined under 35 Ill. Adm. Code 742.Subpart F:
 - A) Whether the requirements for the use of Tier 3 under 35 Ill. Adm. Code 742 have been satisfied;
 - B) Whether the calculations performed under 35 Ill. Adm. Code 742 were accurately performed (Section 58.7(e)(2)(C) of the Act);
 - C) Whether the site specific data reflect actual remediation site conditions (Section 58.7(e)(2)(C) of the Act);
 - D) Whether engineered barriers and institutional controls, if relied on in the determination of remediation objectives or for industrial/commercial property uses, satisfy the requirements of 35 Ill. Adm. Code 742.
- 6) If a recognized environmental condition requires remediation measures other than, or in addition to, remediation objectives determined under 35 Ill. Adm. Code 742 (e.g., removal of drums threatening a release), whether the remediation measures:
 - A) Will prevent or eliminate the identified threat to human health and the environment;
 - B) Are technically feasible and can be implemented without creating additional threats to human health and the environment; and
 - C) Are not inconsistent with the Act and applicable regulations.
- 7) If there are any remaining recognized environmental conditions not addressed in the determination of remediation objectives, whether those conditions have the potential to pose a significant threat to human health or the environment.

Section 740.520 Standards for Review of Remedial Action Plans and Related Activities

When reviewing Remedial Action Plans and related activities, the Agency or the RELPF shall consider:

- a) Whether the plan is complete and has been accompanied by the

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information and supporting documentation necessary to evaluate the effectiveness of the plan; and

- b) *Whether the plan will result in compliance with Title XVII of the Act and this Part, including but not limited to:*

- 1) *The likelihood that the plan will result in the attainment of the applicable remediation objectives (Section 58.7(e)(3)(A) of the Act);*
- 2) *Whether the activities proposed are consistent with generally accepted engineering practices (Section 58.7(e)(3)(B) of the Act); and*
- 3) *The management of risk relative to any remaining contamination, including, but not limited to, provisions for the long-term enforcement, operation, and maintenance of institutional and engineering controls, if relied on (Section 58.7(e)(3)(C) of the Act).*

Section 740.525 Standards for Review of Remedial Action Completion Reports and Related Activities

When reviewing Remedial Action Completion Reports and related activities, the Agency for the Region will consider:

- a) *Whether the report is complete and has been accompanied by the information and supporting documentation necessary to evaluate the implementation of the Remedial Action Plan and the attainment of the applicable remediation objectives;*
- b) *Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained (Section 58.7(e)(4) of the Act); and*
- c) *If engineered barriers and institutional controls have been relied on, or if monitoring is required, whether the long-term maintenance, operation and enforcement provisions have been established.*

Section 740.530 Establishment of Groundwater Management Zones

- a) Except as provided in subsection (b) below, upon approval by the Agency of a Remedial Action Plan and a Supplemental Remedial Action Plan, groundwater that is the subject of the Remedial Action Plan shall automatically be classified as a groundwater management zone for the specified contaminants of concern.
- b) The three dimensional area of the groundwater management zone shall be deemed to be coextensive with the groundwater that is the subject of the Remedial Action Plan. The size of the groundwater management zone may be modified where new information and an amended and approved Remedial Action Plan warrant. Where the groundwater management zone extends across property boundaries, the written permission of the owners of the affected properties shall be obtained before the groundwater management zone becomes effective unless the affected

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- c) *Properties already are included within the remediation site.*
- d) *Groundwater management zones designated under this Section shall remain in effect until a No Further Remediation Letter becomes effective under this Part or an Agreement is terminated.*
- e) *While a groundwater management zone is in effect, the otherwise applicable standards from 35 Ill. Adm. Code 620 shall not be applicable to the contaminants of concern for which groundwater remediation objectives have been approved in the Remediation Objectives Report.*
- f) *If implementation of an approved Remedial Action Plan fails to achieve the remediation objectives developed under Section 740.440 of this Part, alternative groundwater objectives may be developed under Section 740.440 of this Part.*

- 1) *Upon the development of alternative groundwater objectives, the Remediation Objectives Report shall be amended accordingly and submitted for review and approval.*
- 2) *Upon approval of the amended Remediation Objectives Report, the Remedial Action Plan shall be amended and submitted for review and approval unless the RA can demonstrate that the alternative groundwater objectives already have been achieved. In that case, the RA shall submit a Remedial Action Completion Report documenting the achievement of the alternative groundwater objectives.*
- f) *While the No Further Remediation Letter is in effect, the otherwise applicable groundwater quality standards from 35 Ill. Adm. Code 620 shall not be applicable to the specified contaminants of concern within the area formerly encompassed by the GWZ are the groundwater objectives achieved as documented in the approved Remedial Action Completion Report.*
- g) *While the No Further Remediation Letter is in effect, requirements for review, reporting and listing relative to groundwater remediation that may otherwise be applicable under 35 Ill. Adm. Code 620.250 and 620.450(a) shall not apply to the area formerly encompassed by the groundwater management zone and any contaminants of concern for which the groundwater management zone was formerly in effect under this Section.*

SUBPART F: NO FURTHER REMEDIATION LETTERS AND RECORDING REQUIREMENTS

Section 740.600 General

Subpart F provides for the issuance of No Further Remediation Letters following the satisfactory completion of investigative and remedial activities in accordance with Title XVII of the Act and this Part. Subpart F also sets forth the fee for the No Further Remediation Letter, the recording requirements, and the circumstances under which the letter may be voidable.

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Section 740.605 Issuance of No Further Remediation Letter

- a) Except as provided in Section 740.615 below, within 30 days after the Agency's approval of a Remedial Action Completion Report, the Agency shall issue a No Further Remediation Letter applicable to the remediation site. In the event that the Agency fails to issue the No Further Remediation Letter within 30 days after approval of the Remedial Action Completion Report, the No Further Remediation Letter shall issue by operation of law. (Section 58.10(b) of the Act) The No Further Remediation Letter shall have the legal effect prescribed in Section 58.10 of the Act.
- b) The No Further Remediation Letter shall be issued only to Remediation Applicants who have completed all requirements and received final approval of the Remedial Action Completion Report by the Agency or on appeal.
- c) The Agency shall mail the No Further Remediation Letter by registered or certified mail to the registered owner of the site, with return receipt requested. If the RA is not the sole owner of the Remediation Site, the Agency shall send a copy of the No Further Remediation Letter simultaneously to the owner(s) by first class mail. Final action shall be deemed to have taken place on the post-marked date that the letter is mailed.

Section 740.610 Contents of No Further Remediation Letter

- a) Except as provided in subsection (b) below, a No Further Remediation Letter issued pursuant to Section 58.10 of the Act shall be limited to and include all of the following:
 - 1) An acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;
 - 2) A description of the remediation site, by adequate legal description or by reference to a plat showing the boundaries;
 - 3) The location of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;
 - 4) A statement that the Agency's issuance of the No Further Remediation Letter signifies a release from further responsibilities under the Act in performing the approved remedial action and shall be considered prima facie evidence that the site does not constitute a threat to human health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of the No Further Remediation Letter. If the remediation site includes a portion of a larger parcel of property or if the RA has elected to limit recognized environmental conditions and related contaminants of concern to be remediated, or both, the No Further Remediation Letter shall be limited accordingly by its terms;
 - 5) The prohibition against the use of any remediation site in a

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manner inconsistent with any land use limitation imposed as a result of such remediation efforts without additional appropriate remedial activities;

- 6) A description of any preventive, engineering, and institutional controls or monitoring required in the approved Remedial Action Plan and notification that failure to manage the controls or monitoring in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter;
- 7) The recording obligations pursuant to Title XVII of the Act and Section 740.620 of this Part;
- 8) The opportunity to request a change in the recorded land use pursuant to Title XVII of the Act and Section 740.620(c) of this Part; and
- 9) Notification that further information regarding the remediation site can be obtained from the Agency through a request under the Freedom of Information Act (5 ILCS 140). (Section 58.10(b)(1) - (9) of the Act)

- b) If only a portion of the site or only selected regulated substances or pesticides at a site were the subject of corrective action, the No Further Remediation Letter may contain any other provisions agreed to by the Agency and the RA. (Section 58.10(b)(10) of the Act)

Section 740.615 Payment of Fees

- a) The Agency may deny a No Further Remediation Letter if fees applicable under the Review and Evaluation Services Agreement have not been paid in full. (Section 58.10(c) of the Act) The manner of payment shall be in accordance with Section 740.320 of this Part.
- b) In addition to the fees applicable under the Review and Evaluation Services Agreement, the recipient of the No Further Remediation Letter shall forward to the Agency a No Further Remediation Assessment. The assessment shall be a written report, not exceeding 2500 words, describing the remediation for the site by the Agency under the agreement. (Section 58.10(g) of the Act)
 - 1) The No Further Remediation Assessment shall be mailed or delivered to the Agency at the address designated by the Agency on the request for payment service forms no later than 45 days following the receipt of the request for payment. Payments that are hand-delivered shall be delivered during the Agency's normal business hours.
 - 2) The No Further Remediation Assessment shall be made by check or money order payable to "Treasurer - State of Illinois for Deposit in the Hazardous Waste Fund." The check or money order shall include the Illinois inventory identification number as assigned and the Federal Employer Identification Number or Social Security Number of the RA.
 - 3) The No Further Remediation Letter shall be voidable in accordance

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with Section 740.625 if the No Further Remediation Assessment is not paid within 45 days after the receipt of the request for payment.

Section 740.620 Duty to Record No Further Remediation Letter

- a) The RA receiving a No Further Remediation Letter from the Agency pursuant to Title XVII of the Act and this Subpart F shall submit the letter, and where the RA is not the sole owner of the remediation site, an owner certification in accordance with subsection (d) below, to the Office of the Recorder or the Registrar of Titles of the county in which the remediation site is located within 45 days after receipt of the letter. (Section 58.8(a) of the Act)
- 1) The Office of the Recorder or the Registrar of Titles shall accept and record that letter and, where applicable, the owner certification under subsection (d) below in accordance with Illinois law so that it forms a permanent part of the chain of title for the site. (Section 58.8(a) of the Act)
- 2) In the event that a No Further Remediation Letter issues by operation of law pursuant to Title XVII of the Act and this Subpart F, the RA may record an affidavit stating that the letter issued by the RA is in compliance with Section 58.8(d) of the Act. Attached to the affidavit shall be the following:
 - A) An acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;

B) A description of the location of the remediation site by adequate legal description or by reference to a plat showing its boundaries;

C) The level of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;

D) A statement that the No Further Remediation Letter signifies a release from further responsibilities under the Act in performing the approved remedial action and shall be considered prima facie evidence that the following, as specified in the approved Remedial Action Plan, does not pose, and therefore does not threaten, health and the environment and does not require further remediation under the Act if utilized in accordance with the terms of the No Further Remediation Letter:

- i) The remediation site;
- ii) Selected recognized environmental conditions and related contaminants of concern at the remediation site; and
- iii) Any combination of (D)(i) or (D)(ii) above;

E) The prohibition against the use of any remediation site in a manner inconsistent with any property use limitation imposed

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as a result of such remediation efforts without additional appropriate remedial activities;

F) A description of any preventive, engineering, and institutional controls or monitoring required in the approved Remedial Action Plan and notification that failure to manage the controls or monitoring in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter.

G) The opportunity to request a change in the recorded land use pursuant to Title XVII of the Act and subsection (c) below;

H) Notification that further information regarding the remediation site can be obtained from the Agency through a request under the Freedom of Information Act [5 ILCS 140]; and

I) An owner certification in accordance with subsection (d) below, where applicable.

b) A No Further Remediation Letter or the affidavit filed under subsection (a)(2) above shall not become effective until officially recorded along with the owner certification under subsection (d) below, where applicable, in accordance with subsection (a) above. (Section 58.8(b) of the Act) The RA shall obtain and submit to the Agency, within 30 days after recording, a copy of the letter or affidavit and the owner certification under subsection (d) below, demonstrating that the recording requirements have been satisfied.

c) At no time shall any remediation site for which a land use limitation has been imposed as a result of remediation activities under Title XVII of the Act be used in a manner inconsistent with the land use limitation unless further investigation or remedial action has been conducted that documents the attainment of objectives appropriate for the new land use and a new No Further Remediation Letter obtained and recorded in accordance with Title XVII of the Act and this Part. (Section 58.8(c) of the Act)

d) Where the RA is not the sole owner of the remediation site, the RA shall obtain the certification by original signature of each owner, or the duly authorized agent of the owner(s), of the remediation site or any portion thereof who is not an RA. The certification shall be recorded in accordance with this section, along with the No Further Remediation Letter or an affidavit under subsection (a)(2) above. The certification shall read as follows:

I hereby certify that I have reviewed the attached No Further Remediation Letter (or "affidavit" if filed under subsection (a)(2) above), and that I accept the terms and conditions and any land use limitations set forth in the letter (or "affidavit").

Section 740.625 Voidance of No Further Remediation Letter

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- a) The No Further Remediation Letter shall be voidable if the remediation site activities are not managed in full compliance with the provisions of Title XVII of the Act, this Part, or the approved Remedial Action Plan or remediation objectives upon which the issuance of the No Further Remediation Letter was based. Specific acts or omissions that may result in voidance of the No Further Remediation Letter include, but shall not be limited to:

- 1) Any violation of institutional controls or land use restrictions, if applicable;
 - 2) The failure of the owner, operator, RA, or any subsequent transferee to operate and maintain preventive or engineering controls or to comply with a groundwater monitoring plan, if applicable;
 - 3) The disturbance or removal of contamination that has been left in place in accordance with the Remedial Action Plan. Access to areas containing contamination, including after any remedial action, must be controlled and the environment must be protected consistent with the Remedial Action Plan;
 - 4) The failure to comply with the recording requirements of Title XVII of the Act and Section 740.620 of this Part;
 - 5) Obtaining the No Further Remediation Letter by fraud or misrepresentation;
 - 6) Subsequent discovery of contaminants not identified as part of the investigative or remedial activities upon which the issuance of the No Further Remediation Letter was based, that pose a threat to human health or the environment;
 - 7) The failure to pay the No Further Remediation Assessment required under Section 740.615(b) of this Part. (Section 58.10(e) of the Act);
 - 8) The failure to pay in full the applicable fees under the Review and Reconsideration Agreement within 45 days after receiving a request for final payment under Section 740.310 of this Part.
- b) If the Agency seeks to void a No Further Remediation Letter, it shall provide notice to the current title holder of the remediation site and to the RA at his or her last known address. (Section 58.10(f) of the Act)

- 1) The notice shall specify the cause for the voidance and describe facts in support of that cause. (Section 58.10(f) of the Act)
- 2) The Agency shall mail notices of voidance by registered or certified mail, date stamped with return receipt requested.
- c) Within 35 days after the receipt of the Notice of Voidance, the RA or current title holder of the remediation site may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act. If the Board fails to take final action within 120 days, unless such time period is waived by the petitioner, the petition shall be deemed denied and the petitioner shall be entitled to an appropriate Court order pursuant to subsection (f) of Section 41 of the Act. The Agency shall have the burden of proof in

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- any such action. (Section 58.10(f)(1) of the Act)
- 1) If the Agency's action is appealed, the action shall not become effective until the appeal process has been exhausted and a final decision reached by the Board or courts. (Section 58.10(f)(3) of the Act)

- A) Upon receiving a notice of appeal, the Agency shall file a notice of its pendency with the Office of the Recorder or the Registrar of Titles for the county in which the remediation site is located. The notice shall be filed in accordance with Illinois law so that it becomes a part of the chain of title for the site. (Section 58.10(f)(4) of the Act)
- B) If the Agency's action is not upheld on appeal, the notice of its pendency shall be removed in accordance with Illinois law within 45 days after receipt of the final decision of the Board or the courts. (Section 58.10(f)(4) of the Act)
- 2) If the Agency action is not upheld on appeal, the Agency shall submit the notice of voidance to the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title for the site. (Section 58.10(f)(2) of the Act)

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Section 740.APPENDIX A Target Compound List

Section 740.TABLE A Volatile Organics Analytical Parameters and Required Quantitation Limits

Compound	Water (ug/L)	Soil (ug/Kg)	Method
Chloroethane	10	10	8260A
Bromochloroethane	10	10	8260A
Vinyl Chloride	10	10	8260A
Chloroethane	10	10	8260A
Methylene Chloride	10	10	8260A
Acetone	10	10	8260A
Carbon Disulfide	10	10	8260A
1,1-Dichloroethane	10	10	8260A
1,1-Dichloroethane (total)	10	10	8260A
Chloroform	10	10	8260A
1,2-Dichloroethane	10	10	8260A
2-Butanone	10	10	8260A
1,1,1-Trichloroethane	10	10	8260A
Carbon Tetrachloride	10	10	8260A
Bromodichloromethane	10	10	8260A
1,1,1,2-Tetrachloroethane	10	10	8260A
cis-1,2-Dichloroethane	10	10	8260A
Trichloroethene	10	10	8260A
Dibromochloromethane	10	10	8260A
1,1,2-Trichloroethane	10	10	8260A
Benzene	10	10	8260A
trans-1,3-Dichloropropene	10	10	8260A
Bromoform	10	10	8260A
4-Methyl-2-pentanone	10	10	8260A
2-Hexanone	10	10	8260A
Tetrachloroethene	10	10	8260A
Toluene	10	10	8260A
1,1,2,2-Tetrachloroethane	10	10	8260A
Chlorobenzene	10	10	8260A
Styrene	10	10	8260A
Xylenes (total)	10	10	8260A

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent dry weight in each sample. The laboratory shall report non surrogate components, tentatively identified by library search conducted per the guidelines contained in the analytical method.

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Section 740.TABLE B Semivolatile Organic Analytical Parameters and Required Quantitation Limits

Compound	Water (ug/L)	Soil (ug/Kg)	Method
Phenol	10	660	8270A
bis(2-Chloroethyl) ether	10	660	8270A
2-Chlorophenol	10	660	8270A
1,2-Dichlorobenzene	10	660	8270A
1,3-Dichlorobenzene	10	660	8270A
1,4-Dichlorobenzene	10	660	8270A
2-Methylphenol	10	660	8270A
2,2'-oxybis (1-chloropropane)	10	660	8270A
4-Methylphenol	10	660	8270A
N-Nitroso-di-n-propylamine	10	660	8270A
Hexachloroethane	10	660	8270A
Nitrobenzene	10	660	8270A
Isophorone	10	660	8270A
2-Nitrophenol	10	660	8270A
2,4-Dimethylphenol	10	660	8270A
bis(2-Chloroethoxy) methane	10	660	8270A
2,4-Dichlorophenol	10	660	8270A
1,2,4-Trichlorobenzene	10	660	8270A
Naphthalene	10	660	8270A
1-Methyl-2-naphthol	10	660	8270A
4-Chlorobiphenyl	10	660	8270A
2-Methylnaphthalene	10	660	8270A
Hexachlorocyclopentadiene	10	660	8270A
2,4,6-Trichlorophenol	10	660	8270A
2,4,5-Trichlorophenol	25	1600	8270A
2-Chloronaphthalene	10	660	8270A
2-Nitroaniline	25	1600	8270A
Dimethylphthalate	10	660	8270A
Acenaphthalene	10	660	8270A
2,6-dinitrotoluene	10	660	8270A
3-Nitroaniline	25	1600	8270A
Acenaphthene	10	660	8270A
2,4-Dinitrophenol	25	1600	8270A
4-Nitrophenol	25	1600	8270A
1-Benzo(a)pyrene	10	330	8270A
2-Nitrofluorene	10	330	8270A
Disubstituted Fluorene	10	330	8270A
4-Chlorophenyl-phenyl ether	10	330	8270A
Fluorine	10	330	8270A
4-Nitroaniline	25	1600	8270A
4,6-Dinitro-2-methylphenol	25	1600	8270A

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N-nitrosodiphenylamine	10	330	8270A
4-Bromophenyl-phenyl ether	10	330	8270A
Hexachlorobenzene	10	330	8270A
Pentachlorophenol	25	600	8270A
Phenanthrene	10	660	8270A
Anthracene	10	660	8270A
Di-n-butylphthalate	10	660	8270A
Fluoranthene	10	660	8270A
Pyrene	10	660	8270A
Butylbenzylphthalate	10	660	8270A
3,3'-Dichlorobenzidine	10	660	8270A
Benzo(a)anthracene	10	660	8270A
Chrysene	10	660	8270A
bis(2-Ethylhexyl)phthalate	10	660	8270A
Di-n-octylphthalate	10	660	8270A
Benzo(b)fluoranthene	10	660	8270A
Benzo(k)fluoranthene	10	660	8270A
Benzo(a)pyrene	10	660	8270A
Indeno(1,2,3-cd)pyrene	10	660	8270A
Dibenz(a,h)anthracene	10	660	8270A
Benzo(g,h,i)perylene	10	660	8270A

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent solids in each sample. This is based on a 30-gram sample and GPC cleanup. The laboratory shall report non surrogate components, tentatively identified by library search conducted per the guidelines contained in the analytical method.

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Section 740.040. C. Pesticide and Aroclors Organic Analytical Parameters and Required Quantitation Limits

Compound	Water (ug/L)	Soil (ug/kg)	Method
alpha-BHC	0.05	8.0	8081
beta-BHC	0.05	8.0	8081
delta-BHC	0.05	8.0	8081
gamma-BHC	0.05	8.0	8081
Heptachlor	0.05	8.0	8081
Aldrin	0.05	8.0	8081
Heptachlor epoxide	0.05	8.0	8081
Endosulfan I	0.05	8.0	8081
Diieldrin	0.10	16.0	8081
4,4'-DDE	0.10	16.0	8081
Endrin	0.10	16.0	8081
Endrin ketone	0.10	16.0	8081
4,4'-DDD	0.10	16.0	8081
Endosulfan sulfate	0.10	16.0	8081
4,4'-DDT	0.10	16.0	8081
Methoxychlor	0.50	80.0	8081
Endrin aldehyde	0.10	16.0	8081
alpha-Chlordane	0.50	80.0	8081
gamma-Chlordane	0.50	80.0	8081
Toxaphene	1.0	160.0	8081
Aroclor - 1016	0.50	80.0	8081
Aroclor - 1221	0.50	80.0	8081
Aroclor - 1232	0.50	80.0	8081
Aroclor - 1242	0.50	80.0	8081
Aroclor - 1248	0.50	80.0	8081
Aroclor - 1254	1.0	160.0	8081
Aroclor - 1260	1.0	160.0	8081

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent solids in each sample.

See Section 1.4 for description of circumstances for the analyses of these compounds at these detection limits.

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Section 740. TABLE D Inorganic Analytical Parameters and Required Quantitation Limits

Analyte	Water (ppm/L)	Soil (mg/kg)	Method
Aluminum	200	40	6010A
Antimony	60	12	6010A
Arsenic	10	2	7050A/7061A/ 7062
Barium	200	40	6010A
Beryllium	5	1	6010A
Cadmium	5	1	6010A
Calcium	5000	1000	6010A
Chromium	10	2	6010A
Cobalt	50	10	6010A
Copper	25	5	6010A
Iron	100	20	6010A
Lead	3	0.6	7421
Magnesium	500	1000	6010A
Manganese	15	15	6010A
Mercury	0.2	0.04	7470A/7471A
Nickel	40	8	6010A
Potassium	5000	1000	6010A
Selenium	5	1	7740A/7741A/ 7742
Silver	10	2	6010A
Sodium	5000	1000	6010A
Thallium	10	2	7841
Vanadium	50	10	6010A
Zinc	20	4	6010A
Cyanide	10	2	9012

Required Quantitation Limits for soil are based on wet weight. Normally data is reported on a dry weight basis; therefore, Reporting Limits will be higher, based on the percent dry weight in each sample.

See Section 1.4 for description of appropriate circumstances for the analyses of these analytes at these detection limits.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

Section 740. APPENDIX B Review and Evaluation Licensed Professional Engineer Information

- Firm name.
- Address.
- Telephone/fax.
- Principal officials and titles.
- Number of full-time employees.
- Business structure (corporation, partnership, LLP, LLC, PSC).
- Licensed by Secretary of State? # _____
- Licensed by Dept. of Professional Regulation? # _____
- Name of Illinois Registered Managing Agent. _____
- Names of insurance carriers and amount of coverage: _____
- Worker's Compensation: _____
- General Liability: _____
- Does the stated professional liability policy include coverage for "environmental" claims related to release of pollutants? If not covered, or covered by a different carrier or in a different amount, so state. _____
- Has the firm or owners ever filed bankruptcy? If "yes," state when and where. _____
- Is the firm an outgrowth, result, continuation or organization of a former business? If "yes," explain background. _____
- List RELPEs and other key full-time employees that will participate on this project with the RELPE. Provide resumes for each, including Illinois P.E. License #, certifications, project role, years of experience in related work and education. _____
- List five projects similar in nature and identify the role of the employees. _____
- Are employees to be assigned to the project in compliance with 29 CFR 1910.120 (HAZWOPER training and medical surveillance) as applicable to their role on the project?

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Eligibility
- 2) Code Citation: 89 Ill. Adm. Code 682
- 3) Section Numbers: Proposed Action:
682.210 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).
- 5) A Complete Description of the Subjects and Issues Involved: Section 682.210 is being amended to clarify the rule on the transfer on non-exempt assets of individuals who apply for services from the Home Service Program (HSP). The major change is in the time prior to application that the transfer must occur to be exempt. The revised Rule increases this time from 12 to 36 months. Transfers involving a trust are considered an asset unless they occurred 60 months prior to application for services. These revisions make the DORS HSP Rules consistent with the DPA Rules that cover residents of long-term care facilities and Medical Assistance - No Grant (MANG) clients applying for DOR services.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19459
Springfield, IL 62734-9429
(217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.
- A) Types of small businesses, small municipalities and not for profit corporations affected: n/a
- B) Revolving, bookkeeping or other procedures required for compliance: n/a
- C) Types of professional skills necessary for compliance: n/a
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER 3: HOME SERVICES PROGRAM

PART 682
ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10

General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100

General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section
682.200

Assets Limitation

682.210

Transfer of Assets

682.220

Exempt Assets

682.230

Assets Held in Joint Ownership

682.240

Income Allowances

682.250

Cost Sharing Provisions

682.260

General Exceptions to Cost Share Provisions

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section
682.300

Effect of Other Services on HSP

SUBPART E: DETERMINATION OF ELIGIBILITY

Section
682.400

Redetermination Requirements

682.410

Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

Section
682.500

Exceptions to Eligibility Standards

682.510

Exceptions to Cost Sharing Provisions

682.520

Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act
[20 ILCS 2405/3].

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section 682.210 Transfer of Assets

Any transfer or sale of non-exempt assets which occur within the time periods specified in this Section shall be used in determining the individual's assets for the purpose of Section 682.200.

Transfers involving a trust shall be considered as an asset unless the transfer occurred 60 months prior to the individual's application for services.

If an individual applying for services has transferred or sold non-exempt assets within the last 36 months (calendar-year) prior to application for services, he/she must verify the transfer or sale was for a valid purpose. If the purpose is not verified, the value of the asset transferred or sold shall be included in the individual's assets at the time it was transferred or sold. If less than fair market value was received, the difference between the amount received for the asset and the fair market value of the asset will be used in determining the individual's assets for the purpose of Section 682.200.

The transfer or selling of non-exempt assets at the time of application or while an individual's Home Service Program case file is open will result in the fair market value of the asset being used in determining the individual's assets for the purposes of Section 682.200.

(Source: Amended at 21 Ill. Reg. _____, effective _____.)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Non-Academic Programs and Policies

- 2) Code Citation: 89 Ill. Adm. Code 830

- 3) Section Numbers: Proposed Action:
830.50 Amendments

- 4) Statutory Authority: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

- 5) A Complete Description of the Subjects and Issues Involved: The attached revision to Section 830.50 now includes provisions to allow the billing of parents/guardians health insurance for health care expenses incurred by DORS' school students.

- 6) Will this rulemaking replace any emergency rulemakings currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of publication in the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone: (217) 785-3896
TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1997

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER I: EDUCATION FACILITIES

PART 830

NON-ACADEMIC PROGRAMS AND POLICIES

Section	
830.10	The Taking and Using of Students' Photographs
830.15	Locally Held Funds
830.20	Needy Student Fund
830.30	Student Trust Fund
830.35	Student Activity Fees
830.40	Valuables
830.50	Health Services
830.60	Search and Seizure
830.70	Rights and Responsibilities of School Staff
830.80	Food and Nutrition
830.90	Safety and Sanitation
830.100	Donations
830.110	Release of Students to Authorized Individuals
830.120	Release of Motor Vehicles by Students
830.130	Student Activities Requiring Approval of Parents/Guardians
830.140	Visits to Schools
830.150	Behavior Intervention
830.160	Profit on Sales from Commissary Stores
830.170	Receipts from Athletic, Musical and Other Events
830.180	Transportation Fund
830.190	Use of Tobacco Products on School Property

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act (20 ILCS 2405/10, 11 and 3(f)).

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14004, effective August 29, 1988; amended at 15 Ill. Reg. 6772, effective April 15, 1991; amended at 15 Ill. Reg. 17370, effective November 19, 1991; amended at 15 Ill. Reg. 6449, effective April 5, 1993; amended at 15 Ill. Reg. 14240, effective September 1, 1994; amended at 19 Ill. Reg. 11577, effective November 7, 1995; amended at 20 Ill. Reg. 15610, effective November 22, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 830.50 Health Services

- a) Routine medical service, such as cough medicine, bandages, and cotton swabs, and services of occupational and physical therapists, will be provided at ISD and ISVI to meet the health and treatment needs of their students. In addition, a seven day a week infirmary is provided

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- a) at ISD to serve the students of ISD and ISVI who are too ill to stay in the dormitory, but not sufficiently ill to require hospitalization. The Illinois Center for Rehabilitation and Education--Rosenavet ISDH-4--provides comprehensive medical, nursing, physical therapy, occupational therapy, and nutrition services, complete with both prescription and non-prescription medications, supplies, and devices for the student.
- b) Routine medical services provided at ICRE include nursing, physical therapy, occupational therapy and nutrition services, complete with both prescription and non-prescription medications, supplies and devices for its students. Medical services beyond the scope of the medical facilities at ICRE-R will not be provided.
- b) The Illinois School for the Deaf (ISB) and the Illinois School for the Visually Impaired (ISVI) provide part-time physicians, full-time nurses, such as basic and cough medicine, bandages, and cotton swabs, and services of occupational and physical therapists to handle the health and treatment programs for their students. In addition, a seven-day-a-week infirmary is provided at ISD to serve the students of ISB and ISVI who are too ill to stay in the dormitory, but not ill enough to require hospitalization.
- c) The cost of medical devices or services required by the student's Individual Education Program (IEP) will be paid for by the student's parents/guardian.
- d) Parents/guardians of students at DOS schools are expected to provide health insurance for medical services provided to the student. All insurance or medical bill payments must be made directly to the medical or insurance provider. If the parent/guardian does not have health insurance coverage for the student, the school will assist the parent/guardian in applying for Medicaid. Should the student be found not eligible for Medicaid, the schools will provide medical assistance pursuant to subsections (a) and (b) of this Section.
- e) Assistance will be provided to parents/guardians in locating medical services beyond those described in subsections (a) and (b) of this Section. DOS schools will not pay for such services. Each school will provide assistance to parents in locating sources of or arranging for needed medical services which are beyond those described in subsections (a) or (b) above, providing there is a clear understanding that the school will not pay or be responsible for such costs.
- f) If a student receives medical treatment other than that prescribed by school health officials, the parents/guardian must inform school staff of such treatment and provide written medical information pertinent to that treatment.
- g) Each school shall comply with Section 27-8.1 of the School Code (105 ILCS 5/27-8.1) in matters pertaining to immunization of its students. In addition, at the direction of the school's physician and superintendent, authorized medical staff at the school shall immunize students for communicable diseases provided:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) the Illinois Department of Public Health (DPH) recommended the immunization due to a time limitation or unusual situation; or
- 2) the local public health agency provides the vaccine at no cost to the school or the superintendent determines, in consultation with the school physician, an emergency situation exists and the need is so urgent that the vaccine should be purchased from school funds; and
- 3) The parents must give have-given their consent if the student is under 18 years of age, or the student must give has-given his or her consent if the student is 18 years old or older.

b) HIV Testing.

- 1) In compliance with the AIDS Confidentiality Act (410 ILCS 305) (AIDS Act) and rules of the Department of Public Health (77 Ill. Adm. Code 650.105), Confidentiality and Testing of Blood of Student, any school employee who has had an accidental direct skin or mucous membrane contact with the student's blood or body fluids which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgement.
- 2) Test Information and Counseling. In compliance with the AIDS Act (410 ILCS 305), if an HIV test is ordered by a school physician, whether or not written or informed consent of the student or legally authorized representative has been given, the physician must provide the student with information, including:
 - A) the meaning of test results;
 - B) additional or confirmatory testing, when appropriate; and
 - C) referrals for further information or counseling.
- 3) Disclosure of Results. The school physician or the test shall only disclose results to the following people, who shall not redisclose the results, except as authorized by the AIDS Act:
 - A) the student or his or her legally authorized representative;
 - B) anyone designated in an express release executed by the student or legally authorized representative;
 - C) the school employee who has had accidental contact as described in subsection (3)(f)(2) above;
 - D) the DPH (any redisclosure by a DPH employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by DPH); and
 - E) An employee of the school if he or she provides the student with medical services or such care as may involve contact with blood or body fluids of a student and the employee has a need to know such information (e.g., an employee has been involved in accidental direct skin or mucous membrane contact with the blood or body fluids of a student with AIDS).

Any redisclosure by a DORS employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

DORS.

- 1) In compliance with the Communicable Disease Prevention Act (410 ILCS 315) the DPH or local public health department shall inform the facility administrator that a student has been diagnosed as having AIDS or AIDS-related complex or has been exposed to HIV. The facility administrator shall not disclose such information except to the following (who shall not redisclose the results except as authorized by the AIDS Act) and then only if the principal then finds it necessary for the safe and effective administration of the school and its programs:
 - 1) the principal of the DORS school;
 - 2) the teachers in whose classes the student is enrolled;
 - 3) the Infectious Disease Control Committee (i.e., facility administrator, head nurse and facility physician);
 - 4) the school nurse; and
 - 5) any other person who has been involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS, but the student's identity cannot be revealed.

- 1) Each school will adhere to a consistent policy with regard to a diagnosis of Pediculosis Humanus Capitis (head lice) by the school physician or nurse when discovered in the student population.
- 1) Residential students will be treated by the Nurse applying a 1% Permethrin cream rinse the first available time the day the head lice is discovered. Parents/guardians/guardians will be contacted advising them their child has been treated by the nursing staff for head lice.
- 2) Non-residential students will have a phone call made to the affected student's parents/guardian informing them of the diagnosis of head lice, and that the student must be removed from school until the student has been treated. The student will be made to seek treatment from a physician and that all household members be treated. They will be informed that the student will not be allowed to return to school until treatment has been completed.

- In the event a parent of a non-residential student cannot be contacted within a two hour time frame, the school nurse will treat the student to facilitate returning the student to the school classroom until the parent is contacted. If the clothing of a non-residential student is infested, temporary clothing will be issued while the student's clothes are being laundered.
- 3) All roommates and classmates will be evaluated for the presence of nits (lice eggs) or other evidence of infestation by the school nurse.
- 4) Residential students will not be allowed to return to school until they have been treated by the nursing staff. Non-residential students must present proof of appropriate treatment (e.g., note from physician, copy of prescription, proof

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT

of purchase of an over the counter product for the treatment of head lice) before returning to school. Upon return to school the student will be re-examined by the nurse prior to admission.

- 5) The nursing staff will again examine the affected student in 7 to 10 days.
- 6) All potentially infected environmental surfaces and clothing of residential students that could have been infected will be treated by the facility staff to prevent re-infection of the student population.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of Part: Miscellaneous
- 2) Code Citation: 26 Ill. Adm. Code 207
- 3) Section Number: 207.140
Adopted Action: New
Amendment: Appendix B
- 4) Statutory Authority: Implements Section 4-8, 5-7, 6-35 and 1A-8(9) and authorized by sections 1A-8(9) of the Election Code (10 ILCS 4-8, 5-7, 6-35 and 1A-8(9)).
- 5) Effective Date of Amendments: February 10, 1997
- 6) Do these adopted amendments contain an automatic repeal date? No
- 7) Do these adopted amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: February 10, 1997
- 9) Date the Notice of Proposed rules was published in the Illinois Register: April 19, 1996
- 10) Has JCAB issued a statement of objection to these amendments? No
- 11) Differences between proposal and final versions: Technical Changes suggested by the Joint Committee on Administrative Rules have been incorporated.
1. In line 40, change "the date this Section becomes effective" to "November 15, 1996".
2. In lines 83-84 change "the effective date of this Section" to "November 15, 1996".
3. In lines 85-86, delete "for the first 120 days after the effective date of this Section".
- 12) Have all the changes aired upon by the Agency and JCAB been made as indicated in the amendment letter issued by JCAB? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? No
- 15) Summary and purpose of these amendments:
 1. Section 207.140 fulfills the mandates of the General Assembly to

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

regulate the use of Signature Digitization Systems for use in voting in Illinois.

2. Appendix B brings voter registration reporting into conformity with the National Voter Registration Act of 1993 (42 U.S.C.)

- 16) Information and questions regarding these adopted amendments shall be directed to:

A. L. Zimmer, General Counsel
State Board of Elections
James R. Thompson Center
100 W. Randolph Street, Suite 14-100
Chicago, IL 60601

The full text of the adopted amendments begins on the next page.

STATE BOARD OF ELECTIONS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 26: ELECTIONS

CHAPTER I: STATE BOARD OF ELECTIONS

PART 207

MISCELLANEOUS

Section

- 207.10 Failure to Nominate Candidate
- 207.20 Notice of Primary Election -- County of 500,000 Or More
- 207.30 Document Copying Fees
- 207.40 County Clerk Notifications to State Board of Elections of Certain Filings for Office
- 207.50 Deputy Registrars: Definition of Bonafide State Civic Organization
- 207.60 Chad Removal
- 207.70 Post Tabulation Testing
- 207.80 Election of Straight Party Tickets and of Overvotes and Undervotes by Electronic Voting System
- 207.90 Reporting of Errors in Vote Tabulation Where Electronic Voting Systems Are In Use
- 207.100 Requirements for Operator's Log
- 207.110 Requirements for Voter Information Tapes
- 207.120 Procedures for Election Night Equipment Failure
- 207.130 Testing Voting Systems
- 207.140 Certification of Signature Imaging Systems
- APPENDIX A Log for Vote Tabulation
- APPENDIX B VIS Format

AUTHORITY: Implementing Sections 4-8, 5-7, 6-35, and authorized by Section 1A-8(9) of the Election Code [10 ILCS 5/4-8, 5-7, 6-35 and 1A-8(9)].

SOURCE: Adopted at 2 Ill. Reg. 25, p. 70, effective July 3, 1979; codified at 6 Ill. Reg. 19, amended at 11 Ill. Reg. 8976, effective July 12, 1992; amended at 8 Ill. Reg. 24560, effective December 6, 1994; amended at 11 Ill. Reg. 18660, effective October 30, 1987; amended at 15 Ill. Reg. 14427, effective September 27, 1991; amended at 18 Ill. Reg. 14714, effective September 9, 1994; amended 20 Ill. Reg. 2603, effective 11-1-97.

Section 207.140 Certification of Signature Imaging Systems

- a) A signature imaging system is a system of computer hardware and software which captures, stores and reproduces an image of a signature from an original document.
- b) Except for those signature imaging systems in use by election authorities on November 15, 1996, no signature imaging system may be employed by an election authority unless it is first approved by the State Board of Elections (Board) upon the application of the election authority seeking to employ the system.
- c) Each election authority applying to the Board for the certification of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSION STANDARDS AND LIMITATIONS
FOR STATIONARY SOURCES

PART 211

DEFINITIONS AND GENERAL PROVISIONS

SUBPART A: GENERAL PROVISIONS

Incorporations by Reference
Abbreviations and Conversion Factors

Section
211.101
211.102

SUBPART B: DEFINITIONS

Section

211.121
211.122
211.130
211.130
211.150
211.170
211.170
211.210
211.230
211.230
211.250
211.270
211.270
211.310
211.310
211.350
211.370
211.390
211.410
211.430
211.450
211.470
211.470
211.484
211.485
211.490
211.495
211.510
211.510
211.550
211.560
211.570

Other Definitions
Definitions (Repealed)
Accelacota
Accumulator
Acid Gases
Actual Heat Input
Adhesive
Adhesion Promoter
Aeration
Aerosol Can Filling Line
Afterburner
Air
Air Dried Coatings
Air Oxidation Process
Air Pollutant
Air Pollution
Air Pollution Control Equipment
Air Suspension Coater/Dryer
Airless Spray
Air Assisted Airless Spray
Alcohol
Animal
Animal Pathological Waste
Annual Grain Through-Put
Anti-Glare/Safety Coating
Application Area
Architectural Coating
As-Applied
As-Applied Fountain Solution
Asphalt

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Asphalt Prime Coat

Automobile

Automobile or Light-Duty Truck Assembly Source or Automobile or Light-Duty Truck Manufacturing Plant

Automobile or Light-Duty Truck Refinishing

Automotive/Transportation Plastic Parts

Baked Coatings

Bakery Oven

Basecoat/Clearcoat System

Batch Loading

Batch Process Train

Bead-Dipping

British Thermal Unit

Brush or Wipe Coating

Bulk Gasoline Plant

Bulk Gasoline Terminal

Business Machine Plastic Parts

Can

Can Coating

Can Coating Line

Capture

Capture Device

Capture Efficiency

Capture System

Certified Investigation

Choke Loading

Chemical Manufacturing Process Unit

Cleaning and Separating Operation

Cleaning Materials

Clear Coating

Clear Topcoat

Closed Purged System

Closed Vent System

Coal Refuse

Coating

Coating Applicator

Coating Line

Coating Plant

Coil Coating

Coil Coating Line

Cold Cleaning

Complete Combustion

Component

Concentrated Nitric Acid

Concentrated Nitric Acid Manufacturing Process

Concentrated Nitric Acid Manufacturing Process

Concentrated Nitric Acid Manufacturing Process

Concentrated Nitric Acid Manufacturing Process

Concentrated Nitric Acid Manufacturing Process

Concentrated Nitric Acid Manufacturing Process

Concentrated Nitric Acid Manufacturing Process

Concentrated Nitric Acid Manufacturing Process

Concentrated Nitric Acid Manufacturing Process

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.1410	Condensate
211.1430	Condensable PW-10
211.1465	Continuous Automatic Stoking
211.1465	Control Devices
211.1490	Control Device Efficiency
211.1510	Conventional Soybean Crushing Source
211.1530	ConveyORIZED Degreasing
211.1550	Crude Oil
211.1570	Crude Oil Gathering
211.1590	Crushing
211.1610	Custody Transfer
211.1630	Cutback Asphalt
211.1650	Daily-Weighted Average VOM Content
211.1670	Degreaser
211.1690	Delivery Vessel
211.1710	Dip Coating
211.1730	Distillation Fuel Oil
211.1750	Distillation Unit
211.1770	Drum
211.1790	Dry Cleaning Operation or Dry Cleaning Facility
211.1810	Dump-Pit Area
211.1830	Effective Grate Area
211.1850	Effluent Water Separator
211.1870	Elastomeric Materials
211.1875	Electromagnetic Interference/Radio Frequency (EMI/RFI) Shielding
211.1880	Coatings
211.1890	Electrostatic Bell or Disc Spray
211.1900	Electrostatic Prep Coat
211.1910	Emergency or Standby Unit
211.1920	Emission Rate
211.1930	Emission Unit
211.1940	Enclosure
211.1970	End Sealing Compound Coat
211.2010	Enhanced Under-the-Cup Fill
211.2030	Ethanol Blend Gasoline
211.2050	Excess Air
211.2070	Excessive Release
211.2090	Existing Grain-Drying Operation (Repealed)
211.2110	Existing Grain-Handling Operation (Repealed)
211.2130	Exterior Base Coat
211.2150	Exterior End Coat
211.2170	External Floating Roof
211.2190	Extreme Performance Coating
211.2210	Fabric Coating
211.2230	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

211.2250	Fabric Coating Line
211.2270	Federally Enforceable Limitations and Conditions
211.2280	Fermentation Time
211.2300	Final Repair Coat
211.2310	Firebox
211.2330	Fixed-Roof Tank
211.2350	Flexible Coating
211.2360	Flexible Operation Unit
211.2365	Flexographic Printing
211.2370	Flexographic Printing Line
211.2390	Floating Roof
211.2410	Fountain Solution
211.2430	Freeboard Height
211.2450	Fuel Combustion Emission Unit or Fuel Combustion Emission Source
211.2470	Fugitive Particulate Matter
211.2490	Full Operating Glowrate
211.2510	Gas Service
211.2530	Gas/Gas Method
211.2550	Gasoline Dispensing Operation or Gasoline Dispensing Facility
211.2590	Gel Coat
211.2610	Gel Coat
211.2630	Gloss Reducers
211.2650	Grain
211.2670	Grain-Drying Operation
211.2690	Grain-Handling and Conditioning Operation
211.2710	Grain-Handling Operation
211.2730	Green-Tire Spraying
211.2750	Green Tires
211.2770	Gross Heating Value
211.2790	Gross Vehicle Weight Rating
211.2810	Heated Airless Spray
211.2830	Heatset
211.2850	Heatset Web Offset Lithographic Printing Line
211.2870	Heavy Liquid
211.2890	Heavy Off-Highway Vehicle Products
211.2910	Heavy Off-Highway Vehicle Products Coating
211.2930	Heavy Off-Highway Vehicle Products Coating Line
211.2950	High Temperature Aluminum Coating
211.2970	High Volume Low Pressure (HVLP) Spray
211.2990	Hood
211.3010	Hot Well
211.3030	Housekeeping Practices
211.3050	Inclinator
211.3070	Indirect Heat Transfer
211.3090	Ink
211.3110	In-Process Tank
211.3130	

POLLUTION CONTROL BOARD

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211.4810	Polysulfonic Organic Acid Partial Oxidation Manufacturing Process
211.4820	Polysulfonic Resin Material(s)
211.4830	Polysulfonic Resin Products Manufacturing Process
211.4840	Polysulfonic Resin
211.4850	Polysulfonic Resin
211.4900	Portable Grain-Handling Equipment
211.4910	Portland Cement Manufacturing Process Emission Source
211.4920	Portland Cement Process or Portland Cement Manufacturing Plant
211.4930	Potential to Emit
211.4940	Power Driven Fastener Coating
211.5010	Precoat
211.5020	Pressure Release
211.5030	Pressure Tank
211.5040	Pressure/Vacuum Relief Valve
211.5061	Pretreatment Wash Primer
211.5065	Primary Product
211.5070	Primer
211.5080	Primer Sealer
211.5090	Primer Surface Coat
211.5110	Primer Surface Operation
211.5130	Primers
211.5150	Printing
211.5170	Printing Line
211.5185	Process Emission Source
211.5190	Process Emission Unit
211.5210	Process Unit
211.5230	Process Unit Shutdown
211.5245	Process Vent
211.5255	Process Weight Rate
211.5270	Production Equipment Exhaust System
211.5310	Publishing Equipment Printing Line
211.5330	Purged Process Fluid
211.5340	Rated Heat Input Capacity
211.5350	Reactor
211.5360	Reactor
211.5370	Reclamation System
211.5410	Refiner
211.5430	Refinery Fuel Gas
211.5450	Refinery Fuel Gas System
211.5470	Refinery Unit or Refinery process Unit
211.5480	Reflective Argon Coating
211.5490	Refrigerated Condenser
211.5500	Regulated Air Pollutant
211.5510	Reid Vapor Pressure
211.5520	Repair
211.5530	Repair Coat
211.5570	Repaired
211.5590	Residual Fuel Oil

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211.5600	Resist Coat
211.5610	Restricted Area
211.5630	Retail Outlet
211.5650	Ringelmann Chart
211.5670	Roadway
211.5690	Roll Coater
211.5710	Roll Coating
211.5730	Roll Printing
211.5750	Roll Printing
211.5770	Rotogravure Printing
211.5780	Rotogravure Printing Line
211.5810	Safety Relief Valve
211.5830	Sanding
211.5850	Sanding Sealers
211.5870	Screening
211.5890	Sealer
211.5910	Semi-Transparent Stains
211.5930	Sensor
211.5950	Set of Safety Relief Valves
211.5970	Sheet Basecoat
211.5980	Sheet-Fed
211.5990	Shotblasting
211.6010	Side-Seam Spray Coat
211.6025	Single Unit Operation
211.6030	Smoke
211.6050	Smokeless Flare
211.6060	Soft Coat
211.6070	Solvent
211.6090	Solvent Cleaning
211.6110	Solvent Recovery System
211.6130	Source
211.6140	Specialty Coatings
211.6145	Specialty Coatings for Motor Vehicles
211.6150	Specialty High Gloss Catalyzed Coating
211.6170	Specialty Leather
211.6190	Specialty Soybean Crushing Source
211.6210	Splash Loading
211.6230	Stack
211.6250	Stain Coating
211.6270	Standard Conditions
211.6290	Standard Cubic Foot (scf)
211.6310	Start-Up
211.6330	Stationary Emission Source
211.6350	Stationary Emission Unit
211.6360	Stationary Gas Turbine
211.6370	Stationary Reciprocating Internal Combustion Engine
211.6390	Stationary Source
211.6390	Stationary Storage Tank

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

effective FEB 07 1997.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART B: DEFINITIONS

Section 211.7150 Volatile Organic Material (VOM) or Volatile Organic Compound (VOC)

"Volatile organic material (VOM)" or "volatile organic compound (VOC)" means any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, carbonates, cyanides, cyanates, isocyanates, and isocyanurates, participating in significant photochemical reactions with ammonium carbonate, which includes any such organic compound other than the following:

a) This includes any such organic compound other than the following, which have been determined to have negligible photochemical reactivity:

methane;
ethane;
methylene chloride (dichloromethane);
1,1,1-trichloroethane (methyl chloroform);
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
trichlorofluoromethane (CFC-111);
dichlorodifluoromethane (CFC-12);
chlorodifluoromethane (CFC-22);
trifluoromethane (HFC-13);
1,1,1,2-tetrafluoroethane (CFC-114);
1,1,2,2-tetrafluoroethane (CFC-115);
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123);
1,1,1,2-tetrafluoroethane (HFC-134a);
1,1-dichloro-1-fluoroethane (HCFC-141b);
1-chloro-1,1-difluoroethane (HCFC-142b);
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
pentafluoroethane (HFC-125);
1,1,2,2-tetrafluoroethane (HFC-134);
1,1,1-trifluoroethane (HFC-142a);
1,1,1-difluoroethane (HFC-152a); and
perfluorooctane parachlorobenzotrifluoride (FCBP);

perchlorobenzene (tetrachlorobenzene);
cyclic, branched, or linear, completely fluorinated siloxanes;
cyclic, branched, or linear, completely fluorinated alkanes;
and perfluorocarbon compounds which fall into these classes:

1) Cyclic, branched, or linear, completely fluorinated alkanes;
2) Cyclic, branched, or linear, completely fluorinated ethers with

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- no unsaturations;
3) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
4) Sulfur containing perfluorocarbon with no unsaturations and with sulfur bonds only to carbon and fluorine.
- b) For purposes of determining VOM emissions and compliance with emissions limits, VOM will be measured by the test methods approved implementation Plan or 40 CFR Part 60, Appendix A, incorporated by reference at 35 Ill. Adm. Code 215.105, 218.112 and 219.112, as applicable, to permit issued pursuant to a program been established, under Title V of the Clean Air Act; under 40 CFR Part 51, Subpart I or Appendix S, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112; or under 40 CFR Part 52.21, incorporated by reference at 35 Ill. Adm. Code 218.112 and 219.112, as applicable. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOM if the amount of such compounds is accurately quantified and the exclusions is approved by the Agency.
- c) As a precondition to excluding these negligibly-reactive compounds as VOM, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and data or results demonstrating, to the satisfaction of the Agency, the amount of negligibly-reactive compounds in the source's emissions.
- d) The Agency shall not be bound by any State determination as to appropriate methods for testing or monitoring negligibly-reactive compounds if such determination is not reflected in any of the test methods in subsection (b) above.

(Source: Amended at 21 Ill. Reg. 2641, effective

FEB 07 1997)

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to Families with Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: 112.71
112.414
Adopted Action:
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], P. A. 89-6 [305 ILCS 5/4-1.9] and 45 CFR 255.4(j)
- 5) Effective Date of Amendments: February 7, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 7, 1997
- 9) Notice of Proposal Published in Illinois Register: August 30, 1996 (20 Ill. Reg. 11560) and October 11, 1996 (20 Ill. Reg. 13139)
- 10) Has JCPR issued a Statement of Objection to these Adopted Amendments? No
- 11) Differences between proposal and final version: The following changes were made in the text of the proposed amendments:

Section 112.71

1. The final period in Sections 112.71(a)(1)(C), 112.72(a)(2)(A)(11), 112.71(a)(6)(A), (B) and (C) was changed to a semicolon.
2. In Section 112.71(a)(1)(B), "[see 89 Ill. Adm. Code 170.10]" was inserted after "Initiative".
3. The final semicolon in Section 112.71(a)(2) was changed to a period.
4. In Section 112.71(a)(2)(C), "a" was inserted before "review".
5. In Section 112.71(c), the commas after "component" and "requirements" were deleted.

Section 112.414

In Section 112.414, "regardless of" was deleted.

No other changes have been made in the text of the proposed amendments.

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCPR been made as indicated in the agreement letter issued by JCPR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.10	Amendment	January 10, 1997 (21 Ill. Reg. 549)
112.98	Amendment	April 26, 1996 (20 Ill. Reg. 5965)
112.340	Repeal	January 24, 1997 (21 Ill. Reg. 1154)
112.352	Amendment	January 17, 1997 (21 Ill. Reg. 797)
112.354	Amendment	January 17, 1997 (21 Ill. Reg. 797)

15) Summary and Purpose of Amendments:

Section 112.71

In accordance with provisions of Public Act 89-6, these amendments codify a change in AFDC JONS policy as part of the Governor's Fast Track Welfare Reform plan intended to move AFDC clients more quickly from welfare to work. Due to a change in State law and receipt of a federal waiver, this rulemaking adds the provision that parents under age 18, who are attending high school, are no longer exempt from JONS participation. Until now, parents age 16 to 18 who were attending school full-time were exempt from participating in the Teen Parent Initiative/Young Parent Services (TPI/YPS) program, a part of AFDC JONS. These individuals could volunteer for the program, but could not be required to participate.

As a result of these proposed amendments, the following individuals, age 16 through 18 in full-time elementary, middle, or high school, and equivalent vocational/technical school, will not be exempt from JONS participation:

1. children who return to school after becoming nonexempt;
2. children who are required to participate in the Youth Employment and Training Initiative (see 89 Ill. Adm. Code 170.10); and
3. parents under age 18 who have not completed high school or the equivalent.

These individuals must now participate in TPI/YPS unless they qualify for a different exemption. This rulemaking affects both young parents who have their own grants and those who are included in someone else's grant.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

In addition, these amendments establish that an individual shall be exempt from JOBS participation when the individual is the parent or other caretaker relative of a child under age three in the home. However, pursuant to the terms and conditions of the federal waiver, parents of children born under the Family Accountability provisions are not exempt from JOBS due to the care of a child under age three. Specifically, an individual cannot be exempted from JOBS participation due to providing care for a child under age three who, according to the Family Accountability Project, is included in the grant as a capped child (that is, subject to the Personal Responsibility Project as described in 89 Ill. Adm. Code 112.251 through 112.254 and 170.350).

These amendments replace amendments which were previously published on February 23, 1996 at 20 Ill. Reg. 3461. A Notice of Withdrawal, for these previously proposed amendments, was published on July 26, 1996 at 20 Ill. Reg. 10235.

Section 112.414

Pursuant to 45 CFR 255.4(j), these amendments add provisions for the recovery/recoupment of child care overpayments. Other than accounting procedures, there are currently no rules that specifically govern the recovery/recoupment of child care overpayments. Therefore, the rules are being revised to add provisions which will allow the Department to recover and/or recoup child care overpayments. In addition, this rulemaking provides a definition for a child care overpayment.

As a result of these amendments, all child care overpayments made to a client or to a client's care provider will be recovered or recouped. This rulemaking establishes that recovery will be made whether or not the client is currently receiving assistance.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Judy Umanna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER B: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.11 Residence
112.20 Age
112.30 Relationship
112.40 Family Management
112.52 Social Security Numbers
112.53 Assignment of Medical Support Rights
112.54 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent
112.65 Employment Plan
112.66 Alcohol and Substance Abuse Treatment
112.67 Restriction in Payment to Households Headed by a Minor Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section
112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation/Cooperation Requirements
112.73 Adolescent Parent Program
112.74 JOBS Initial Assessment/Development of an Employability Plan
112.75 Teen Parent Personal Responsibility Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
112.79 JOBS Sanctions
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

112.81	Responsible Relative Eligibility for JOBS
112.82	JOBS Supportive Services
112.83	Young Parents Program
112.84	Work Experience/Evaluation Project
112.85	Four Year College/Vocational Training Demonstration Project
SUBPART E: PROJECT ADVANCE	
Section	
112.86	Project Advance
112.87	Project Advance Experimental and Control Groups
112.88	Project Advance Participation Requirements of Experimental Group
	Members and Adjudicated Fathers
112.89	Project Advance Cooperation Requirements of Experimental Group
	Members and Adjudicated Fathers
112.90	Project Advance Sanctions
112.91	Good Cause for Failure to Comply with Project Advance
112.92	Individuals Exempt from Project Advance
112.93	Project Advance Supportive Services
112.95	

SUBPART F: EXCHANGE PROGRAM

Section	
112.98	Exchange Program
SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY	
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112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.102	Budgeting Unearned Income
112.105	Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Transfer of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump Sum Payments
112.128	Protected Income
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application
	And/Or Date Of Decision
112.134	Initial Employment

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.102	Budgeting Unearned Income
112.105	Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Transfer of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump Sum Payments
112.128	Protected Income
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application
	And/Or Date Of Decision
112.134	Initial Employment

Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section	
112.100	Unearned Income
112.101	Unearned Income of Stepparent or Parent
112.102	Budgeting Unearned Income
112.105	Application And/Or Date Of Decision
112.107	Initial Receipt of Unearned Income
112.108	Transfer of Unearned Income
112.110	Exempt Unearned Income
112.115	Education Benefits
112.120	Incentive Allowances
112.125	Unearned Income In-Kind
112.126	Earmarked Income
112.127	Lump Sum Payments
112.128	Protected Income
112.130	Earned Income
112.131	Earned Income Tax Credit
112.132	Budgeting Earned Income
112.133	Budgeting Earned Income of Applicants Employed On Date of Application
	And/Or Date Of Decision
112.134	Initial Employment

DEPARTMENT OF PUBLIC AID

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112.135	Budgeting Earned Income For Contractual Employees
112.136	Budgeting Earned Income For Non-Contractual School Employees
112.137	Termination Benefits
112.138	Transitional Payments (Repealed)
112.140	Exempt Earned Income
112.141	Earned Income Exemption
112.142	Exclusion From Earned Income Exemption
112.143	Recognized Employment Expenses
112.144	Income From Work/Study/Training Program
112.145	Earned Income From Self-Employment
112.146	Earned Income From Roomer and Boarder
112.147	Income From Rental Property
112.148	Payments from the Illinois Department of Children and Family Services
112.149	Earned Income In-Kind
112.150	Assets
112.151	Exempt Assets
112.152	Asset Disregards
112.153	Deferred Consideration of Assets
112.154	Property Transfers (Repealed)
112.155	AFDC Income Limit

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112.250	Grant Levels
112.251	Payment Levels in AFDC
112.252	Payment Levels in AFDC Group I Counties
112.253	Payment Levels in AFDC Group II Counties
112.254	Payment Levels in AFDC Group III Counties
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Section	
112.300	Persons Who May Be Included in the Assistance Unit
112.301	Presumptive Eligibility
112.302	Monthly Reporting
112.303	Retrospective Budgeting
112.304	Budgeting Schedule
112.305	Strikers
112.306	Foster Care Program
112.307	Responsibility of Sponsors of Aliens
112.308	Special Needs Authorizations
112.309	Institutional Status
112.315	Young Parent Program (Renumbered)
112.320	Redetermination of Eligibility
112.330	Extension of Medical Assistance Due to Increased Income from Employment
112.331	Four Month Extension of Medical Assistance Due to Child Support

DEPARTMENT OF PUBLIC AID

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amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5618, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6098, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 18200, effective November 1, 1996; amended at 21 Ill. Reg. 15983, effective January 9, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1666, effective January 15, 1997; amended at 21 Ill. Reg. **2655**.

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section 112.71 Individuals Exempt from JOBS

- a) An individual:
- 1) Is a child age 16 through 18 in full-time elementary, secondary (grades 9-12) or equivalent vocational/technical school attendance; this exemption does not apply to students who are attending school on a full-time basis; this exemption is not applicable to students who are attending school on a part-time basis; this exemption is no longer applicable even if the individual returns to school;
 - 2) Is a child who is a member of the Youth Employment and Training Initiative (see 89 Ill. Adm. Code 170.10); and
 - 3) Parents under age 18, except those in a control group during the Work and Responsibility Demonstration in the Auburn Park and Williamson local offices.
- 2) Has a temporary or chronic illness, temporary and chronic illness or injuries, injuries
- A) Temporary illness and injuries
 - 1) Is a temporary illness or chronic injury; An individual is eligible for this exemption if the individual is under age 18, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in JOBS. A sound basis for exemption from JOBS, on a temporary basis, includes but is not limited to: the observation of a cast on a broken leg or the extent provides information, provided

DEPARTMENT OF PUBLIC AID

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- from the client, of a scheduled surgery or recuperation from surgery;
- i) Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough, normally, to exempt the individual under this criterion;
 - B) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed/certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in JOBS. This may include a physician's certification after child labor, if prescribed by a woman's physician after childbirth; or
 - C) When an individual is determined either temporarily or chronically ill or incapacitated, the exemption shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or when a review of the case will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption, with appropriate notice to the individual that the reevaluation is necessary;
 - 3) Is under age 16 or is age 60 years or older unless the child is required to participate in the Youth Employment and Training Initiative; or
 - 4) Resides in an area remote from the JOBS office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two hours by reasonably available public or private transportation, exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available;
 - 5) Provides full-time care for another household member when the need for care is due to the person's medical condition. Has another household member--for whom that individual must provide full-time care; or
 - 6) Is a child who is a member of the Youth Employment and Training Initiative; or
 - 7) Is a child who is a member of the Youth Employment and Training Initiative; or
 - 8) Is a child who is a member of the Youth Employment and Training Initiative; or
 - 9) Is a child who is a member of the Youth Employment and Training Initiative; or
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 - 47) Is a child who is a member of the Youth Employment and Training Initiative; or
 - 48) Is a child who is a member of the Youth Employment and Training Initiative; or
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 - 98) Is a child who is a member of the Youth Employment and Training Initiative; or
 - 99) Is a child who is a member of the Youth Employment and Training Initiative; or
 - 100) Is a child who is a member of the Youth Employment and Training Initiative; or

DEPARTMENT OF PUBLIC AID

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- B) A parent under age 20, without a high school diploma or equivalent, cannot claim this exemption;
- C) A person cannot be exempted due to providing care for a child under age three who, according to the Family Accountability Project, is included in the grant as a "cared child" (that is, subject to the Personal Responsibility Project as described in Sections 112.251 through 112.254 and 89 Ill. Adm. Code 170.3501).
- 7) Employment-A) Is employed 30 hours or more per week; B) This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than ten work days; the 4th month of pregnancy or later; or
- 8) Is in the 4th month of pregnancy or later; or
- 9) Is a person enrolled full-time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.).

b) Individuals who request an exemption from participation in JOBS shall do so in writing with the assistance of the JOBS worker or other Department staff, if needed, and shall receive a written notice of decision on such request within 45 days. Requests for an exemption may be made at:

- 1) application for assistance;
- 2) orientation;
- 3) assessment;
- 4) reassessment;
- 5) AFDC eligibility redeterminations;
- 6) client's request; or received by the Department indicates the possibility of an exemption.
- 7) Exempt individuals may volunteer for JOBS. However, exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79).

(Source: Amended at 21 Ill. Reg. 2655, effective 11/1/77)

SUBPART K: TRANSITIONAL CHILD CARE

Section 112.414 Child Care Overpayments and Recoveries

A child care overpayment is financial assistance incorrectly issued for the payment of child care services needed by a client because of employment, education or training. All child care overpayments made to a client or to a client's child care provider will be recovered or recouped. Recovery will be made whether or not the client is currently receiving assistance. Child-care

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overpayments-and-recoveries-will-be-conducted-pursuant-to-Section-112.360-
(Source: Amended at 21 Ill. Reg. 2655, effective 11/1/77)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs
- 2) Code Citation: 89 Ill. Adm. Code 553
- 3) Section Numbers: 553.130
Adopted Action:
Amendments
- 4) Statutory Authority: Implementing and Authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ICS 2405(3)].
- 5) Effective Date of Rule(s) [Amendments, Repealer]: February 10, 1997
- 6) Does this rulemaking contain an automatic renewal date? No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 10, 1997
- 9) Notice of Proposal Published in Illinois Register: August 2, 1996, 20 Ill. Reg. 10305

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: Only minor technical changes were made which did not impact the intent of content or the rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: Yes

Section Numbers Proposed Action Illinois Register Citation

553.10	Amendments	20 Ill. Reg. 11894
553.20	Amendments	20 Ill. Reg. 11894
553.40	Amendments	20 Ill. Reg. 11894
553.50	Amendments	20 Ill. Reg. 11894
553.70	Amendments	20 Ill. Reg. 11894
553.80	Amendments	20 Ill. Reg. 11894
553.90	Amendments	20 Ill. Reg. 11894
553.100	Amendments	20 Ill. Reg. 11894
553.105	Amendments	20 Ill. Reg. 11894
553.110	Amendments	20 Ill. Reg. 11894

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 553.120
- 553.140
- 20 Ill. Reg. 11894
- 20 Ill. Reg. 11894
- 15) Summary and Purpose of Rule(s): The amendments are being made so that DORS' rules mirror recently adopted federal regulations found at 34 CFR 361.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:
Ms. Susan Warner, Manager
Regulations and Procedures Division
Department of Rehabilitation Services
P.O. Box 19429
Springfield, IL 62794-9429
(217) 785-3896
TTY: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND
REHABILITATION NEEDS

Section	General Applicability
553.10	Basis for the Determination of Eligibility
553.20	Presumption of Benefit from Vocational Rehabilitation Services
553.30	Services to Non-United States Citizens
553.40	Eligibility Determination
553.50	Outcome of the Eligibility Determination
553.60	Determination of Eligibility Factors/Preliminary Assessment
553.70	Certification of Eligibility
553.80	Extended Evaluation
553.90	Outcome of Extended Evaluation
553.100	Comprehensive Assessment of Rehabilitation Needs
553.105	Assistance in Attaining Necessary Financial Support
553.110	Outcome of the Comprehensive Assessment of Rehabilitation Needs
553.120	Change in Eligibility Status
553.130	Order of Selection
553.140	Criteria for Severe Disability and Most Severe Disability
553.150	Determination of Serious Limitation to Functional Capacities
AUTHORITY: Implementing and authorized by Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).	

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective June 29, 1995; amended at 19 Ill. Reg. 15730, effective November 7, 1995; emergency amendment at 20 Ill. Reg. 10385, effective July 19, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 11974, effective August 16, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 2669, effective _____.

Section 553.130 Order of Selection

- a) For the purposes of this Section, the following terms shall have the following meanings:
- 1) disabled services—those services provided to eligible individuals who are eligible and attributable to DBRS; those services are those authorized for and paid for by DBRS out-of-vr case service funds; and
 - 2) non-purchased services—those services provided to eligible

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

individuals for which there is no expenditure of vr case service funds.

- a.b) Pursuant to the provisions of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701 - 796(i)), DBRS has established the following Order of Selection for the priority of provision of services to eligible individuals which counselors must follow when purchasing services for customers. In addition, pursuant to 34 CFR 361.30, Public Safety Officers injured in the line of duty shall be given priority for services within the categories listed in subsection (a)(1) - (3), below.

- 1) those individuals determined to have the most severe disabilities;
- 2) individuals determined to have severe disabilities; and
- 3) individuals determined to have non-severe disabilities who are public safety officers and civil employees who are injured in the line of duty;
- 4) individuals determined to have non-severe disabilities who are residents of public assistance;
- 5) all other individuals determined to have non-severe disabilities for the purposes of administering services under the Order of Selection; DBRS has determined that current funding levels allow it to purchase services to be provided to eligible individuals in the categories established in subsections (a)(1) and (2), above, and
- 2) Non-purchased services to be provided to eligible individuals.

- c) Eligible individual in subsection subsections (a)(3) and (4) and (5), above, may at his/her choice be placed on a waiting list for services. The Director shall, when accepting DBRS and non-purchased services, determine the priority of individuals on the waiting list. DBRS determines funding is available to provide services purchased services to all other individuals with disabilities, the priority group to which the customer has been assigned and in accordance with the provisions of subsection (f) below.

- e) DBRS administration shall review statewide funding levels on a quarterly basis and based on availability of funding. Purchased services may be provided to eligible individuals in addition to those as described in subsections (b)(1) and (2) above. If, based on this review, the Director or designee determines that funding is available in the State of that required to provide services to eligible individuals in the State who are in the priority categories listed in subsections (b)(1) and (2) above, DBRS will offer services to additional eligible individuals based on the following:
- 1) services will be offered to eligible individuals in the following order:
 - a) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - b) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - c) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - d) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - e) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - f) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - g) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - h) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - i) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - j) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - k) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - l) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - m) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - n) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - o) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - p) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - q) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - r) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - s) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - t) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - u) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - v) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - w) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - x) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - y) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - z) eligible individuals who are in the priority categories listed in subsections (b)(1) and (2) above;
 - 2) services will be offered services chronologically based on the

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

date--the individual was determined eligible to receive services and
 3) services will be offered--and--provided--to--additional--eligible individuals--until--BORS--determines--current--funding--levels--do--not allow--the--expansion--of--services--to--other--categories;
 4) An individual who was determined eligible and began to receive services Purchased--Services before the effective date of this amendatory rulemaking, or is determined eligible and begins to receive services thereafter, will be eligible to continue to receive services until completion of his/her rehabilitation program, regardless of any action made by BORS to its Order of Selection or priority of services.
 5) Once an eligible individual is assigned to a specific priority of service category, his/her category assignment may be changed to a higher priority category, if justified based on new information relating to his/her disability and documented in the customer's case file, but shall not be moved to a category of lower priority, except as described in Section 553.120 of this Part.

(Source: Amended at 21 Ill. Reg. 2653, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)
- 2) Code Citation: 89 Ill. Adm. Code 679
- 3) Section Numbers: Adopted Action:
679.50 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rule(s) (Amendments, Repealer): February 7, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repealer) contain incorpurations by reference? No
- 8) Date Filed in Agency's Principal Office: February 7, 1997
- 9) Notice of Proposal Published in Illinois Register:
October 25, 1996, 20 Ill. Reg. 13922
- 10) Has JCRR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between Proposal and final version: None
- 12) Have all the charges aired upon by the agency and JCRR been made as indicated in the agreement letter issued by JCRR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): The Service Costs Maximums are being increased by 3% per the State Fiscal Year 1997 appropriation. The maximum costs were increased for both the HSP Medicaid Waiver 650.50b and the AIDS waiver 650.50c.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, Illinois 62794-9429
 Telephone number: (217) 785-3896

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

TTY: (217) 785-9301

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 679

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)

Section

679.10 General Provisions
679.20 Composition of the DON
679.30 Scoring of the DON Except for Respite Cases
679.40 Scoring of the DON for Respite Cases
679.50 Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3).

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 6004, effective 11/1/97.

Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly correspondent to the amount the State would expect to pay for nursing care placement in institutionalization if the individual chose institutionalization.
- b) As of July 1, 1996, 1995 the SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 630 678
33 through 40	861 896
41 through 49	957 989
50 through 59	1,116 1113
60 through 69	1,317 17388
70 through 79	1,456 17414
80 through 100	1,556 17528

- c) As of October 1, 1996, 1995 the SCMs for individuals served under the AIDS Medicaid Waiver are:

Total DON Score	SCM
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DEPARTMENT OF REHABILITATION SERVICES

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29 through 32 \$ 964 936
 33 through 40 1,446 4,464
 41 through 49 1,928 4,692
 50 through 59 2,410 4,946
 60 through 69 2,892 4,966
 70 through 79 3,374 4,976
 80 through 100 3,856 4,974

d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.

e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not ~~be more~~ ^{be more} than 3 months.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Program Description
- 2) Code Citation: 89 Ill. Adm. Code 676
- 3) Section Numbers: Adopted Action:
676.300 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Rule(s) (Amendments, Repeals): February 7, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repeal) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 7, 1997
- 9) Notice of Proposal Published in Illinois Register: October 25, 1996, 20 Ill. Reg. 13926
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between Proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): The Section is being amended to clarify the rule and add that customers over the age 60, must concur with a referral to the Department of Aging's Community Care Program.
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warrner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, IL 62794-9429
 (217) 785-3896
 TTY: (217) 785-9301

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTS

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF ADOPTED AMENDMENTSTITLE 99: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 676

PROGRAM DESCRIPTION

SUBPART A: GENERAL PROGRAM PROVISIONS

Section
676.10
676.20
676.30
676.40Program Purpose and Types
General Program Accessibility
Definitions
Service Description

SUBPART B: CASE MANAGEMENT

Section
676.100
676.110
676.120
676.130
676.140
676.150Case Files
Sharing of Customer Information Between HSP and Other DORS Programs
Documentation of Information
Required Customer Signatures and Information
Application by DORS' Employees, Individuals Holding Contracts with DORS, DORS Advisory Council Members, Family Members of DORS Employees, or Close Friends of DORS' Employees
Geographic Case Assignment

SUBPART C: VENDOR PAYMENT

Section
676.200
676.210Vendor Payment
Reporting and Collection of Misspent Funds

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DOA)

Section
676.300
676.310Criteria for Referral to DoA
Disposition of Cases not Appropriate for Referral to DoA

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5095, effective March 21, 1995; ~~Repealed~~ at 20 Ill. Reg. 6315, effective April 18, 1996; amended at 21 Ill. Reg. _____, effective _____.

SUBPART D: REFERRAL TO DEPARTMENT ON AGING (DOA)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 676.300 Criteria for Referral to DoA

In accordance with the provisions of the interagency agreement between DORS and DoA, individuals meeting the following criteria shall be referred to DoA to receive services through DoA's Community Care Program (CCP), and the ISP cases closed at the time of referral to DoA:

- a) are at least 60 years of age at the time of the referral to DoA;
- b) are receiving only homemaker services, adult day care services, home delivered meals, or any combination of these services; and
- c) have a DON score of at least 15 points on Part A, which includes the 10 points from the Mini-Mental Status Examination (89 Ill. Adm. Code 679.20(a)), if applicable, with a total score of not less than 29 points; and

d) have agreed to being referred to DoA to receive services.

(Source: Amended at 21 Ill. Reg. 2678, effective
 _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Oversize and Overweight Permit Movements on State Highways

- 2) Code Citation: 92 Ill. Adm. Code 554

- 3) Section Numbers: Adopted Action:
 554.206 Amend
 554.302 Repeal
 554.311 Amend
 554.407 Amend
 554.501 Amend

- 4) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law 1625 ICS 5/Ch. 15, Art. III

- 5) Effective Date of Rulemaking: February 10, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: February 10, 1997

- 9) Notice of Proposal Published in Illinois Register: November 22, 1996, 20 Ill. Reg. 14993

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version:

The following changes were made in agreement with JCAR and the Code Division:

The Department spelled out "Federal Highway Administration" at question #15 on the Notice.

The Department corrected the table of contents by inserting "Section 554.705, Disabled Vehicles".

The Department inserted "SUBPART C: ISSUANCE OF PERMITS" before Section 554.302.

In Section 554.311(c), the Department italicized the statutory language.

In Section 554.501(d)(1) and (2), the Department restructured the subsection.

The Department removed the hyphen in the word "(nondivisible)" in Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

540.501(d)(1).

In Section 554.501(d)(2), the Department added "see" to the parenthetical and moved the period to the end of the CFR citation.

At Section 554.425 of the table of contents, the Department capitalized the word "may".

At Section 554.426 of the table of contents, the Department capitalized the word "must".

On the table of contents page at the Subpart G heading, the Department added "INDUSTRIAL HIGHWAY CROSSING" after "POLICES."

At Section 554.701 on the table of contents, the Department has stricken "Industrial Highway Crossings" and added the word "SCORG."

At Section 554.702 on the table of contents, the Department has stricken "for Industrial Highway Crossings."

Section 554.703 on the table of contents, the Department has stricken "at Industrial Highway Crossings."

At Section 554.708 on the table of contents, the Department has stricken "Government Agency."

The Department inserted Section 554.206 in the text (after Main Source Note), and in the heading, capitalized "other small grains."

At Section 554.311(c), the Department put the ILCS cite in brackets instead of parens.

The Department inserted the volume "#21" in the Source Notes.

12) Have all the changes arise upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

The Department repealed Section 554.302 because the Department no longer desires to prescribe the manner of transmission or retransmission of permits. Most companies affected by this Part routinely retransmit messages to drivers.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

Section 554.311 is amended to include statutory language not currently contained in the rule.

Section 554.407 is amended to comply with 625 ILCS 5/15-102(b)(2) that applies to farm equipment.

Section 554.501 is amended at the request of the Federal Highway Administration to include a definition of a "nondivisible" load. This language was added to comply with 23 CFR 639.5.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Robert W. Jones, Chief
Bureau of Operations
Illinois Department of Transportation, Room 009
2300 South Dirksen Parkway
Springfield, IL 62764
(217) 782-7231

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER 1: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER F: HIGHWAYS

OVERSIZE AND OVERWEIGHT PERMIT MOVEMENTS ON STATE HIGHWAYS
PART 554

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DEPARTMENT OF TRANSPORTATION
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DEPARTMENT OF TRANSPORTATION

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SUBPART F: OVERWEIGHT VEHICLES AND LOADS

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Section	
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554.702	Industrial-Highway-Crossings
554.703	Data Required for Industrial-Highway-Crossings
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554.708	Road Testing of Vehicles or Equipment
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DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

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554.802	Mobile Home Emergency Moves
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554.911	Fees for Illinois State Police Escorts
554.912	Special Categories of Fees (Repealed)
554.913	Other Overweight Fees (Repealed)
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554.915	Fee Schedules (Tables 1, 2, and 3) (Repealed)

APPENDIX A

Data Relative to Vehicles Authorized to Operate on Illinois Highways (Repealed)

APPENDIX B

Legal Gross Weights of Vehicles and Combinations of Vehicles Authorized by Section 15-111, Illinois Vehicle Code (Repealed)

APPENDIX C

Application Form BT 1928 (Repealed)

APPENDIX D

Special Vehicle Movement Permit - Form BT 993 (Repealed)

APPENDIX E

Form BT 750 (Repealed)

APPENDIX F

Application for Establishment of an Open Account with the Application Bureau of Traffic (Form BT 1932) (Repealed)

APPENDIX G

Bond for Payment of Special Permit Fees and Charges to Illinois Department of Transportation for Movement of Vehicles of Excess Dimensions or Weight Over Illinois Highways (Form BT 1931) (Repealed)

APPENDIX H

Implementing and authorized by Article III of the Illinois Size and Weight Law 1625 ILCS 5/Ch. 15, Art. III].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 2, p. 256, effective January 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 24, p. 586, effective May 29, 1980; codified at 7 Ill. Reg. 9672; amended at 11 Ill. Reg. 3248,

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

effective February 3, 1987; amended at 12 Ill. Reg. 13232, effective July 29, 1988; amended at 20 Ill. Reg. 2565, effective January 25, 1996; amended at 21 Ill. Reg. 2682, effective 10/1/97.

SUBPART B: TYPES OF PERMITS

Section 554.206 Permits for the Movement of Overweight 2-Axle Truck Loaded With Sweet Corn, Soybeans, Corn, Wheat, Milo, or Other Small Grains other than grains and Ensilage

- These permits may be issued for a period not to exceed 40 days, provided:
- The movement will be made from a field to a specified processing plant;
 - The movement will not exceed 25 miles; and
 - The axle loads will not exceed 35 percent above the legal limitations.

(Source: Amended at 21 Ill. Reg. 2682, effective 10/1/97)

SUBPART C: ISSUANCE OF PERMITS

Section 554.302 Original Transmission Only is Valid as Permit (Repealed)

Only the original message is valid as a permit. Conditions of permits issued by telephone message, written or electronic, are null and void. The appropriate portion of the Department form as directed by the permit writer at the time of issuance. Copies or transmissions of a written permit message to other locations are prohibited and do not constitute valid permits.

(Source: Repealed at 21 Ill. Reg. 2682, effective 10/1/97)

Section 554.311 Subsequent Permits Following a Violation

- The permit to continue a move following a violation will be withheld until:
- The Permit Office has received clearance from the police agency making the arrest that the load may proceed.
 - All fees or fee adjustments have been paid or charged to the appropriate account for a third offense within a one year period.
 - The Department shall not issue permits to the person for the conviction for a period of one year after the date of the conviction for such third offense [25 ILCS 5/15-301(1)].

(Source: Amended at 21 Ill. Reg. 2682, effective 10/1/97)

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

Section 554.407 When Escort Vehicles Are Required

- One civilian escort vehicle is required:
 - For all moves that exceed 14 feet 6 inches in width;
 - For all moves that exceed 110 feet in length;
 - For all moves that exceed 14 feet 6 inches in height;
 - For any move either across, upon, or along a highway when additional warning is required to alert the traveling public.
 For instance, if a movement is required to travel during darkness or on a weekend to respond to an emergency situation, a civilian escort will be required.
- Two civilian escorts are required:
 - For all moves that exceed 16 feet in width; or
 - For all moves that exceed 16 feet in length; or
 - For all moves that exceed 16 feet in height; or
 - For all moves that exceed both 14 feet 6 inches in width and 14 feet 6 inches in height.
- Three civilian escorts are required:
 - For all moves that exceed 16 feet in width;
 - For all moves that exceed 145 feet in length;
 - For all towed special haul rigs more than 150 feet in length.
- Illinois State Police Escorts
 - Illinois State Police escorts are required:
 - For moves greater than 18 feet wide;
 - For moves of greater than 175 feet in length;
 - For moves over 18 feet high;
 - For overweight moves where bridge restrictions require that all traffic be kept off of a structure while the permitted vehicle crosses or
 - For the crossing of unusual nature where additional traffic control is necessary to alert the motoring public to the permit movement.
 - These moves will normally be made partially or entirely outside a municipality. The permittee must make all arrangements with the designated State Police Headquarters at least 24 hours prior to the move. The Permit Office may determine a State Police escort is not necessary in some instances including but not limited to the following:
 - On moves made within a municipality if local police are utilized as specified in Section 554.407(d);
 - On movements where the object will only cross a State highway and minimal disruption of traffic is anticipated; or
 - On moves over 18 feet high if a field investigation reveals there are not any overhead obstructions.

- Local police are not required to provide escorts for State Police escorts when the move is made entirely within the limits of a city or county. It is the responsibility of the permittee to make all arrangements with the local police when the permit specifies such an escort as a condition of the permit.

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 2682, effective _____)

Section 554.501 Scope

- a) Permits may be issued for overdimension objects and vehicles if they have been reasonably disassembled. Objects must be loaded within legal dimensions, if at all possible. Multiple objects, loaded side-by-side, end-to-end, or on top of each other, may not cause the overdimension. However, more than one overdimension object may be transported if it does not result in another dimension that exceeds legal limits.
- b) Permits to move empty overdimension vehicles may be obtained, but these vehicles may not normally be used to transport legal size loads. Overdimension vehicles may be used to transport legal size objects requiring special permits. Overdimension vehicles may be used to transport overdimension vehicle may be used to transport an overdimension object.
- c) Permits will not be issued for empty or loaded double-bottom units that exceed legal maximum size or weights.
- d) Nondivisible loads.

- 1) Permit loads are deemed to be reasonably dismantled (nondivisible) when separated into smaller loads or vehicles when further dismantling would:

- A) Compromise the intended use of the load or vehicle; that is, make it unable to perform the function for which it was intended;
- B) Destroy the value of the load or vehicle; that is, make it unusable for its intended purpose;
- C) Require more than 8 working hours to dismantle using specialized equipment. The applicant for a nondivisible load has the burden of proof as to the number of workhours required to dismantle the load.

- 2) The Department may treat emergency response vehicles and casks designed and used for the transport of spent nuclear materials as nondivisible vehicles or loads (see 21 CFR 659.5).

(Source: Amended at 21 Ill. Reg. 2682, effective _____)

DEPARTMENT OF LABOR
NOTICE OF PUBLIC HEARING ON PROPOSED PART

1) Heading of the Part: Whistleblower Protection

2) Code Citation: 56 Ill. Adm. Code 353

3) Register Citation to Notice of Proposed Rules:

21 Ill. Reg. 1500 (Feb. 7, 1997)

4) Date, Time and Location of Public Hearing:

Monday, March 24, 1997
10:00 A.M.

Illinois Department of Labor
160 North LaSalle St., Suite C-1300
Chicago, Illinois 60601

5) Other Pertinent Information:

The hearing will be held for the sole purpose of gathering public comment on the proposed part. Persons interested in presenting testimony at this hearing are advised that the Illinois Department of Labor will adhere to the following procedures in the conduct of the hearing:

1. No oral testimony shall exceed an aggregate of twenty (20) minutes.
2. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
4. In order to provide for a balanced presentation of views and to facilitate the orderly conduct of the hearing, the hearing officer may impose such other rules of procedure, including the order of call of witnesses, as s/he deems necessary.

6) Name and Address of Agency Contact Person: Questions regarding these proposed Amendments or the public hearing shall be directed to:

Scott D. Miller
Chief Legal Counsel Illinois Department of Labor
160 North LaSalle St., Suite C-1300
Chicago, Illinois 60601
312/759-1805

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: Steel and Foundry Industry Waste Landfills
- 2) Code Citation: 35 Ill. Adm. Code 817
- 3) Section Numbers: Table of Contents (Secs. 207 and 308)
- 4) Date Proposal published in Illinois Register: August 30, 1996, 20 Ill. Reg. 11554
- 5) Date Adoption published in Illinois Register: January 9, 1997, 21 Ill. Reg. 1183
- 6) Summary and Purpose of Expedited Correction: The final order inadvertently included the headings of 2 Sections in the Table of Contents that should have been omitted because these 2 Sections were never adopted.
- 7) Information and questions regarding this request shall be directed to:

Audrey Iozuk-Lawless
Pollution Control Board
James R. Thompson Center
100 West Randolph, Suite 11-500
Chicago, IL 60601
(312)814-6923

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

- TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER 1: POLLUTION CONTROL BOARD
SUBCHAPTER 1: SOLID WASTE AND SPECIAL WASTE HAULING

PART 817

REQUIREMENTS FOR NEW STEEL AND FOUNDRY INDUSTRY WASTES LANDFILLS

SUBPART A: GENERAL REQUIREMENTS

Section	Scope and Applicability
817.101	Determination of Waste Status
817.103	Sampling Frequency
817.104	Waste Classification
817.105	Waste Classification Limits
817.106	Waste Mining

SUBPART B: STANDARDS FOR MANAGEMENT OF BENEFICIALLY USABLE STEEL AND FOUNDRY INDUSTRY WASTES

Section	Scope and Applicability
817.201	Limitations on Use
817.202	Notification
817.203	Long-Term Storage

SUBPART C: STEEL AND FOUNDRY INDUSTRY POTENTIALLY USABLE WASTE LANDFILLS

Section	Scope and Applicability
817.301	Design Period
817.302	Final Cover
817.303	Final Slope and Stabilization
817.304	Leachate Sampling
817.305	Load Checking
817.306	Closure
817.307	Warning-Precautions
817.308	Facility Location

SUBPART D: NEW STEEL AND FOUNDRY INDUSTRY LOW RISK WASTE LANDFILLS

Section	Scope and Applicability
817.401	Facility Location
817.402	

POLLUTION CONTROL BOARD

REQUEST FOR EXPEDITED CORRECTION

817.403 Design Period
 817.404 Foundation and Mass Stability Analysis
 817.405 Foundation Construction
 817.406 Liner Systems
 817.407 Leachate Drainage System
 817.408 Leachate Collection System
 817.409 Leachate Treatment and Disposal System
 817.410 Final Cover System
 817.411 Hydrogeologic Site Investigations
 817.412 Plugging and Sealing of Drill Holes
 817.413 Groundwater Impact Assessment
 817.414 Design, Construction and Operation of Groundwater Monitoring Systems
 817.415 Groundwater Monitoring Programs
 817.416 Groundwater Quality Standards
 817.417 Waste Placement
 817.418 Final Slope and Stabilization
 817.419 Load Checking

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section
 817.501 Scope and Applicability

APPENDIX A Organic Chemical Constituents List

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1, and authorized by Section 27, of the Environmental Protection Act [415 ILCS 5/5, 5/21, 5/21.1, 5/22, 5/22.17, 5/28.1 and 5/27].

SOURCE: Adopted in R90-26(A) at 18 Ill. Reg. 12411, effective August 1, 1994; amended in R90-26(B) at 18 Ill. Reg. 14370, effective September 13, 1994; amended in R96-3 at 21 Ill. Reg. 1183, effective January 14, 1997; expedited correction in R97-3 at 21 Ill. Reg. 2695, effective January 14, 1997.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
 OF A CONTRACTOR OR A SUBCONTRACT
 FOR PUBLIC WORKS PROJECTS

Pursuant to Section 11a of the Prevailing Wage Act, 820 ILCS 130/9.01-12 (1994), the Director of the Department of Labor gives notice that the following contractors have been found to have disregarded their obligation to employees under the Prevailing Wage Act on two (2) separate occasions and are prohibited (along with any other firm, corporation, partnership or association in which said contractors have an interest, in) from being awarded any contract or subcontract for a public works project for a two (2) year period beginning on February 1, 1997:

Mr. Mike Brown and Ms. Judith Brown
 Brown's Plumbing and Heating
 830 18th Street
 Charleston, Illinois 61920

Copies of the Prevailing Wage Act are available at the:

Illinois Department of Labor
 Conciliation and Mediation Division
 One West Old State Capital Plaza, Room 300
 Springfield, Illinois 62701-1217

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to annually publish information concerning adjustments to the minimum and maximum deductible amounts and the minimum and maximum allowable contribution as impacted by the Consumer Price Index in the Illinois Register:

Name of Act: Medical Care Savings Account Act

Citation: 820 ILCS 152/1

2. Summary of Information:

The Medical Care Savings Account Act was created by P.A. 88-645. A participating employer purchases a higher deductible health plan for its employees and their dependents. The minimum higher deductible for 1994, the year in which the Act took effect, was \$1,000. The maximum higher deductible for 1994 was \$3,000.

The employer is to contribute all or part of the premium differential realized by purchasing the higher deductible health insurance into a medical care savings account for the benefit of the employee. Employer contributions to each medical care savings account are limited to an annual maximum amount. For two taxpayers filing a joint return (with each having a medical care savings account but neither covered by the other's health coverage), the maximum contribution for 1994 was \$6,000. In all other cases, the maximum contribution for 1994 was \$3,000.

The Medical Care Savings Account Act requires the Department to adjust the minimum and maximum deductible amounts and the maximum amount of employer contribution annually to reflect changes in the Consumer Price Index. Section 100.2580 (c)(2)(B) of the Department's rules (96 Ill. Adm. Code 100.2580) states that the Department will announce adjustments in the maximum amounts as well as the minimum higher deductible by annual publication of a Notice of Public Information in the *Illinois Register*.

The Consumer Price Index annual average for all urban consumers was 156.9 for calendar year 1995. The Consumer Price Index increased 2.9% in 1996 over 1995. The thresholds for 1996 should be increased 2.9% for 1997. Thus, for 1997, the minimum higher deductible is \$1,086; the maximum higher deductible is \$3,256; the maximum contribution for two taxpayers filing a joint return is \$6,512 and the maximum contribution for all others is \$3,216.

3. Name and address of person to contact concerning this information:

Jackson E. Donley
Associate Counsel (Income Tax)
Legal Services Office
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

101 W. Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings in the *Illinois Register*:

Name of Act: Illinois Department of Revenue Sunshine Act

Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

Index of Department of Revenue income tax Private Letter Rulings and General Information letters issued for the Third Quarter of 1996. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. The Department will not issue a ruling on a question of law raised by the Department in response to written inquiries from taxpayers or taxpayer representatives, business' trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act. (See 86 Ill. Adm. Code 1200.120)

The letters are listed numerically, are identified as either a General Information letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

Agents	Manufacturing Machinery
Agricultural Producers and Products	Medical Appliances
Assessments	Miscellaneous
Automobile Renting Tax	Motor Fuel Tax
Bingo	Motor Vehicles
Books and Records	Newsprint & Ink
Bulk Sales	Nexus
C.O.A.D.	Nonprofit Institutions
Certificate of Registration	Occasional Sale
Charitable Games	Oil Field Equipment
Cigarette Tax	Penalties
Claims for Credit	Pollution Control Facilities
Coal Mining Devices	Prepaid Sales Tax
Coins & Metal	Products and Services
Coins & Precious Metals	Priority Tax
Computer Software	Public Utility Taxes

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

Construction Contractors	Real Estate Transfer Tax
Cooperative Associations	Repairs
Delivery Charges	Replacement Vehicle Tax
Distillation Machinery	Request for Information
Drug Tax Stamps	Returns
Drugs	Rolling Stock Exemption
Enterprise Zones	Sale at Retail
Exempt Organizations	Sale of Service
Farm Machinery & Equipment	Service Occupation Tax
Federal Excise Tax	Signature
Financial Institutions	Special Order
Food	Statute of Limitations
Food, Drugs & Medical Appliances	Tax Collection
Governmental Bodies	Tax Credit
Grain	Tax Rate
Gross Receipts	Telecommunications Excise Tax
Hotel Operators' Tax	Temporary Storage
Interest	Tire User Fee
Interstate Commerce	Trade-In
Itinerant Vendors	Use Tax
Invested Capital Tax	Vehicle Use Tax
Leasing	Vendors
Liquor Tax	
Local Taxes	
Mandatory Service Charges	
Manufacturer's Purchase Credit	
Manufacturers	

Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of \$1.00 per opinion plus 50¢ per page for each page over one.

The annual index of Sales and Excise Tax letter ruling (all four quarters) is available for \$3.00.

3. Name and address of person to contact concerning this information:

Margaret Forth
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-6996

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1996 FOURTH QUARTER SUNSHINE INDEX

AGENTS

ST 96-0480

11/19/1996 Every agent acting for an unknown or undisclosed principal, or who is entrusted with the possession of tangible personal property for the purpose of sale, is deemed to be the owner thereof and incurs a Retailers' Occupation Tax liability on the sale thereof. However, that agent acts for a known or disclosed principal, and the principal pays the tax, if the principal provided the principal is engaged in the business of selling such tangible personal property at retail. See, 86 Ill. Adm. Code 130.1915. (This is a GIL.)

ST 96-0570

12/31/1996 Auctioneers incur Retailers' Occupation Tax liability unless the auctioneer discloses the identity of the principals to the purchasers. See 86 Ill. Adm. Code 1915. (This is a GIL.)

BULK SALES

ST 96-0519

12/19/1996 When a taxpayer, outside the usual course of his business, sells or transfers the major part of any of the assets listed in 86 Ill. Adm. Code 130.1701, the taxpayer must file a statement of bulk sale of business assets with the Chicago Office of the Department no later than 10 days after the sale or transfer. See 86 Ill. Adm. Code 130.1701. (This is a GIL.)

CERTIFICATE OF REGISTRATION

ST 96-0410

10/09/1996 Businesses are required to obtain certificates of registration from the Department in order to lawfully sell tangible personal property at retail in this State. See 35 ILCS 120/2a. (This is a GIL.)

ST 96-0542

12/20/1996 Section 1 of the Retailers' Occupation Tax Act defines "person" to include limited liability companies. Therefore, limited liability companies are required to obtain certificates of registration from the Department in order to lawfully sell tangible personal property at retail in this State. See 35 ILCS 120/1 and 2a. (This is a GIL.)

CLAIMS FOR CREDIT

ST 96-0521

12/19/1996 This letter explains Informational Bulletin FY 86-54 regarding when taxpayers can take

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1996 FOURTH QUARTER SUNSHINE INDEX

deductions on their returns instead of filing claim for credits. (This is a GIL.)

COAL MINING EQUIPMENT

ST 96-0459

11/14/1996 Sealants do not qualify for the coal exploration, mining, off-highway hauling, processing, maintenance, and reclamation equipment exemption. See 35 ILCS 120/2-3(1). (This is a GIL.)

ST 96-0460

11/14/1996 Effective June 24, 1996, the \$250.00 minimum threshold purchase price for qualifying coal mining equipment is eliminated per P.A. 89-495. (This is a GIL.)

ST 96-0562

12/31/1996 Additions sections of exempt underground rail conveyors, ventilating and illumination systems due to the progression of mining will be considered as exempt. See 86 Ill. Adm. Code 130.350. (This is a GIL.)

ST 96-0569

12/31/1996 The Retailers' Occupation Tax Act contains an exemption for coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment. See 86 Ill. Adm. Code 130.350. (This is a GIL.)

COMPUTER SOFTWARE

ST 96-0406

10/08/1996 Public Act 89-115, effective January 1, 1996, provides that computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the Retailers' Occupation Tax, to a hospital that has been issued an active tax exemption identification number by the Department are exempt from the Retailers' Occupation Tax. (This is a GIL.)

ST 96-0412

10/09/1996 Sales of "canned" computer software are taxable retail sales in Illinois. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 96-0420

10/15/1996 A sale of "canned" computer software is a taxable retail sale. See 86 Ill. Adm. Code 130.1935.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

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(This is a GIL.)

ST 96-0431 10/28/1996 Sellers of maintenance agreements for computer hardware and software must pay Use Tax on the cost price of the materials transferred incident to service performed pursuant to the maintenance agreements. However, if maintenance agreements provide for updates of canned software and the updates are not separately stated and taxed, the entire agreements would be taxable as sales of canned software. See 86 Ill. Adm. Code Sections 130.1935 and 140.301(b)(3). (This is a GIL.)

ST 96-0438 10/28/1996 Sales of "canned" computer software are taxable retail sales in Illinois. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 96-0467 11/19/1996 This letter discusses taxation of computer software maintenance agreements. See 86 Ill. Adm. Code 130.1935(b). (This is a GIL.)

ST 96-0490 11/16/1996 Transactions for the licensing of computer software may not be subject to ROT if the transaction agreements contain all the criteria set out in 86 Ill. Adm. Code 130.1935(a)(1). (This is a PIR.)

ST 96-0500 12/16/1996 Sales of canned computer software are taxable retail sales. If the computer software consists of custom computer programs or meets the requisite criteria as licenses of computer software, then those sales or licenses of such software are taxable retail sales. See 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 96-0515 12/17/1996 This letter provides a general discussion of the taxation of computer software. See 35 ILCS 120-2-25; 86 Ill. Adm. Code 130.1935. (This is a GIL.)

ST 96-0535 12/20/1996 The regulations related to sales of computer software are found at 86 Ill. Adm. Code 130.1935. (This is a GIL.)

CONSTRUCTION CONTRACTORS

ST 96-0440 10/28/1996 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate do not incur Retailers' Occupation Tax liability, but owe

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Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.1940 and 130.2075. (This is a GIL.)

ST 96-0462 11/15/1996 Construction contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. (This is a GIL.)

ST 96-0473 11/19/1996 Persons who permanently affix tangible personal property to real estate act as construction contractors and incur Use Tax liability on their cost price of tangible personal property they physically incorporate into realty. See 86 Ill. Adm. Code 130.1940. (This is a GIL.)

ST 96-0538 12/20/1996 In Illinois, construction contractors are deemed to be the users of building materials which they permanently affix to real estate. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 96-0549 12/27/1996 Contractors that make improvements to real estate by taking materials off the market and permanently affixing them to real estate owe Use Tax on the cost price of those materials. See 86 Ill. Adm. Code 130.2075. (This is a GIL.)

ST 96-0558 12/30/1996 When building materials are sold to persons who convert them into real estate, the sellers incur Retailers' Occupation Tax liability and the purchasers incur Use Tax liability. See 86 Ill. Adm. Code 130.2075; 86 Ill. Adm. Code 130.450. (This is a GIL.)

DELIVERY CHARGES

ST 96-0411 10/09/1996 Whether shipping and handling or delivery charges may be deducted by retailers in determining their Retailers' Occupation Tax liability depends on whether the shipping and handling or delivery charges are included in the selling price of the property or are contracted for separately between the purchasers and the retailers. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ST 96-0436 10/28/1996 Charges for shipping are gross receipts subject to ROT when they are part of the selling price of

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the tangible personal property being sold. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ST 96-0482

11/20/1996 Whether shipping and handling or delivery charges are subject to Retailers' Occupation Tax liability depends upon whether the shipping and handling or delivery charges are included in the selling price of property or are contracted for separately by purchasers and retailers. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ST 96-0564

12/31/1996 Whether transportation and delivery or freight charges may be deducted by a retailer in determining his Retailers' Occupation Tax liability depends not upon the separate billing of transportation and delivery or freight charges but whether the transportation and delivery or freight are included in the selling price of the property or are contracted for separately by the purchaser and the retailer. See 86 Ill. Adm. Code 130.415. (This is a GIL.)

ENTERPRISE ZONES

ST 96-0404

10/07/1996 Public Act 89-0417, effective January 1, 1996, added a new provision that gross receipts shall include payments made by customers for maintenance services to a customer who acquired contractual rights for the direct purchase of gas or gas originating from an out-of-state supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility." See 35 ILCS 615/1(x). (This is a GIL.)

ST 96-0418

10/15/1996 The enterprise zone exemption applies to qualifying building materials purchased from a retailer located in the jurisdiction that created the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

ST 96-0419

10/15/1996 The enterprise zone exemption applies to qualifying building materials purchased from a retailer located in the jurisdiction that created the enterprise zone. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

ST 96-0468

11/19/1996 The exemption for building materials sold for incorporation into real estate in an Enterprise Zone is available only when those materials are purchased

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from retailers located in a municipality or the unincorporated area of a county which created the Enterprise Zone into which the materials will be incorporated. See 86 Ill. Adm. Code 130.1951. (This is a GIL.)

ST 96-0561

12/31/1996 The exemption for building materials sold for incorporation into real estate in an Enterprise Zone is available only when those materials are purchased from a retailer located in a municipality or the unincorporated area of a county which created the Enterprise Zone into which the materials will be incorporated (This is a GIL.)

EXEMPT ORGANIZATIONS

ST 96-0488

11/25/1996 An exclusively charitable hospital does not incur ROT liability on sales of food made from a cafeteria operated for the benefit of employees and not open to the public. See 86 Ill. Adm. Code 130.2005(b)(1) (A). (This is a PLR.)

ST 96-0566

12/31/1996 Federally-chartered credit unions do not incur Use Tax liability when making purchases of tangible personal property for lease or consumption. See 86 Ill. Adm. Code 130.2085. (This is a GIL.)

FARM MACHINERY & EQUIPMENT

ST 96-0426

10/21/1996 ATVs do not qualify for the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

ST 96-0479

11/19/1996 ATVs do not qualify for the Farm Machinery & Equipment exemption from sales tax. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

ST 96-0525

12/19/1996 Hay and grain moisture testers used in the harvesting of hay, grain, and soybean crops can qualify for the farm machinery and equipment exemption. See 86 Ill. Adm. Code 130.305. (This is a GIL.)

FEDERAL EXCISE TAX

ST 96-0409

10/09/1996 The federal excise taxes on gasoline and diesel fuel are not deductible from retailers' gross

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receipts in computing ROT because the legal incidence of those taxes falls upon wholesalers, manufacturers or importers. See Section 86 Ill. Adm. Code 130.445(b)(2). (This is a GIL.)

FOOD

ST 96-0402

10/04/1996 This letter discusses the classification of snack bars, nutritional supplements and fiber waters as "Food." See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 96-0470

11/19/1996 Caterers are vendors of tangible personal property under 86 Ill. Adm. Code 130.2145. When caterers sell food or beverages to consumers, they incur a Retailers' Occupation Tax liability on their gross receipts from such transactions. In computing Retailers' Occupation Tax liability, no deductions shall be made by a taxpayer from gross receipts on account of the cost of property sold, the cost of materials used, labor or service costs, freight or transportation costs, overhead costs, clerk hire or salesman's commissions, interest paid by the seller, or any other expenses. See 86 Ill. Adm. Code 130.410. (This is a GIL.)

FOOD, DRUGS & MEDICAL APPLIANCES

ST 96-0415

10/10/1996 Pills, powders, salves, or other preparations intended by the manufacturer for human use as which purport on the label to have medicinal qualities qualify for the low, 1% rate of tax. Cosmetic treatments do not qualify. See 86 Ill. Adm. Code 130.310 (c)(1). (This is a GIL.)

ST 96-0427

10/21/1996 Products intended by the manufacturer for the treatment of nicotine addiction in humans generally can qualify for the lower rate of tax. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

ST 96-0530

12/19/1996 Generally, the Department considers dietary supplements to qualify for the lower State rate of tax applicable to food. See 86 Ill. Adm. Code 130.310. (This is a GIL.)

GAS REVENUE TAX

ST 96-0552

12/30/1996 The sale of a coupon booklet or a discount

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ST 96-0417

10/11/1996 Transportation pooling fees, charges, and penalties are subject to Gas Revenue Tax liability. See 86 Ill. Adm. Code 470.101. (This is a PLR.)

ST 96-0476

11/19/1996 The Gas Revenue Tax is imposed upon persons engaged in this State in the business of distributing, supplying, furnishing or selling gas to persons for use or consumption and not for resale. (This is a GIL.)

GRAPHIC ARTS

ST 96-0501

12/16/1996 A color laser plotter used in marketing activities does not qualify for the Graphic Arts Machinery and Equipment Exemption. See 86 Ill. Adm. Code 130.325. (This is a GIL.)

GROSS RECEIPTS

ST 96-0401

10/04/1996 When retailers make a charge for restocking or reshelving returned merchandise, the receipts retained by the retailers to cover the restocking or reshelving fee are not considered taxable gross receipts for purposes of the Retailers' Occupation Tax. See 35 ILCS 120/1 et seq. (This is a GIL.)

ST 96-0434

10/28/1996 In computing Retailers' Occupation Tax liability, no deductions shall be taken by a taxpayer from gross receipts on account of the cost of the property sold, or any other expense whatsoever. See 86 Ill. Adm. Code 130.410. (This is a GIL.)

ST 96-0461

11/14/1996 "Gross receipts" means the "selling price" or "amount of sale." See 86 Ill. Adm. Code 130.425. (This is a GIL.)

ST 96-0539

12/20/1996 For purposes of the Illinois sales tax laws, donors are the users of the items which they give to others. See 86 Ill. Adm. Code 130.2125(c). (This is a GIL.)

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card is the sale of an intangible item and is not subject to Retailers' Occupation Tax liability. (This is a GIL.)

ST 96-0557

12/30/1996 In computing Retailers' Occupation Tax liability, no deductions shall be made by a taxpayer from gross receipts or selling prices on account of "costs of doing business." See 86 Ill. Adm. Code 130.410. (This is a GIL.)

HOTEL OPERATORS' TAX

ST 96-0443

10/28/1996 This letter describes when rooms rented to foreign diplomats possessing mission cards will be exempt from Hotel Operators' Occupation Tax. See 86 Ill. Adm. Code Ch. I, Sec. 130 Illustration A. (This is a GIL.)

ST 96-0522

12/19/1996 In situations where the Department finds that third party video companies, rather than the hotel operators, are actually providing in-room movies directly to the hotel guests, the Hotel Operators' Occupation Tax would not apply. See JS ILCS 145/1 et seq. (This is a GIL.)

LEASING

ST 96-0398

10/04/1996 Lessors incur Use Tax on cost prices of tangible personal property purchased for leasing. When agreements are conditional sales contracts, Retailers' Occupation Tax is due on each payment as it is received. See 86 Ill. Adm. Code 130.210. (This is a GIL.)

ST 96-0421

10/11/1996 In Illinois, lessors of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, are considered to be the end users of the property to be leased. As the end users of tangible personal property located in Illinois, lessors incur Use Tax on their cost price of the property. See 86 Ill. Adm. Code 130.220 and 130.210. (This is a GIL.)

ST 96-0423

10/16/1996 Lease agreements that contain purchase options that are equal to the fair market value of the tangible personal property at the end of the lease term are considered true leases, and the lessors incur Use Tax

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liability on their cost price of tangible personal property purchased for rental purposes. See 86 Ill. Adm. Code 130.210. (This is a GIL.)

ST 96-0424

10/16/1996 Except for automobiles leased for a period of one year or less, the lessor of tangible personal property in Illinois is considered to be the end user of the property to be leased. See the enclosed copy of 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 96-0435

10/28/1996 Lessors incur Use Tax liability on their cost price of tangible personal property purchased for rental purposes. See 86 Ill. Adm. Code 130.210. (This is a GIL.)

ST 96-0437

10/28/1996 Under Illinois law, lessors incur Use Tax liability upon their cost price of tangible personal property purchased for the purpose of leasing. See 86 Ill. Adm. Code 130.210. (This is a GIL.)

ST 96-0463

11/15/1996 In Illinois, lessors of tangible personal property under true leases are deemed the end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 96-0471

11/19/1996 In Illinois, the lessor of tangible personal property under a true lease, except for automobiles leased for terms of one year or less, is considered to be the end user of the property to be leased. See 86 Ill. Adm. Code 130.220 and 130.210. (This is a GIL.)

ST 96-0484

11/21/1996 Lessors of tangible personal property in Illinois under true leases are considered to be the end users of the property to be leased. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 96-0486

11/25/1996 In Illinois, lessors of tangible personal property under a true lease, are considered to be the end users of the property to be leased (the only exception being the lessor of automobiles leased for terms of one year or less.) At the end users of tangible personal property located in Illinois, lessors incur Use Tax on the lessors' cost price of the property. See 86 Ill. Adm. Code 130.220 and 130.210. (This is a GIL.)

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ST 96-0508 12/17/1996 This letter discusses the tax treatment of leases under Illinois law. See 86 Ill. Adm. Code 130.220; 86 Ill. Adm. Code 2010. (This is a GIL.)

ST 96-0523 12/19/1996 Under Illinois law, lessors under true lease agreements are deemed the users of items they purchase for rental purposes. Accordingly, lessors incur a Use Tax liability on such purchases. See 86 Ill. Adm. Code 130.2010. (This is a GIL.)

ST 96-0543 12/28/1996 This letter discusses the taxation of leases and maintenance agreements. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

ST 96-0550 12/30/1996 This letter discusses how sale/leaseback situations are taxed. See 86 Ill. Adm. Code 130.220. (This is a GIL.)

LOCAL TAXES

ST 96-0492 12/12/1996 The Regional Transportation Authority is authorized to impose local mass transit taxes on sales of tangible personal property. See 86 Ill. Adm. Code 320.101. (This is a GIL.)

ST 96-0527 12/19/1996 The authority of retailers to reimburse themselves for local taxes creates a corresponding legal duty on the retailer to pay such amounts. This amount is to be paid by the retailer if the retailer is using a selling authority. See for example, 65 ILCS 5/8-11-1. (This is a GIL.)

ST 96-0531 12/19/1996 It is the Department's opinion that the sellers' acceptance of the purchase orders or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

ST 96-0551 12/30/1996 Local taxes are incurred when sales occur within a jurisdiction imposing a local tax. The Department has determined that the most important element of selling occurs when a seller accepts the purchaser's offer to buy. Consequently, selling is deemed to occur where the purchase order is accepted by the

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seller. It is the rate imposed by a jurisdiction at that location that will determine the correct amount of local taxes. See 86 Ill. Adm. Code 270.115. (This is a GIL.)

MANUFACTURER'S PURCHASE CREDIT

ST 96-0545 12/27/1996 In order to earn Manufacturer's Purchase Credit on a purchase of machinery and equipment, that machinery and equipment must qualify for the manufacturing machinery and equipment exemption. See 35 ILCS 105/3-45; and 35 ILCS 110/3-70. (This is a GIL.)

MANUFACTURING MACHINERY & EQUIPMENT

ST 96-0466 11/18/1996 Agricultural or horticultural and related activities are not manufacturing and, accordingly, machinery used in such activities cannot qualify for the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.330(b)(6). For possible application of the farm machinery and equipment exemption, see 86 Ill. Adm. Code 130.305. (This is a GIL.)

ST 96-0493 12/12/1996 Hand tools do not qualify for the exemption afforded manufacturing machinery and equipment. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 96-0536 12/29/1996 The Department generally considers that manufacturing equipment purchased by the manufacturer of engine heads that held for retail sale to the public can qualify for the manufacturing machinery & equipment exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 96-0546 12/27/1996 In general, equipment in a computer-assisted manufacturing system would qualify for the manufacturing machinery and equipment exemption. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

ST 96-0547 12/27/1996 The manufacturing machinery and equipment exemption also applies when purchasers lease exempt machinery and equipment under true leases to manufacturers who use that machinery and equipment in a qualifying manner. See 86 Ill. Adm. Code 130.330. (This is a GIL.)

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- ST 96-0451 11/13/1996 This letter provides information regarding sources of Illinois court cases and letter rulings. See 20 ILCS 2515/1 et seq. (This is a GIL.)
- ST 96-0458 11/14/1996 This letter contains information regarding taxation of duty fees, broker fees, transportation charges, and storage fees. See 86 Ill. Adm. Code 130.410. It also contains information regarding construction contractors. See 86 Ill. Adm. Code 2075. (This is a GIL.)
- ST 96-0478 11/19/1996 This letter discusses the Manufacturing Machinery and Equipment exemption (86 Ill. Adm. Code 130.330) and the Enterprise Zone exemptions (86 Ill. Adm. Code 130.1951). (This is a GIL.)
- ST 96-0498 12/16/1996 This letter discusses Sales and Telecommunications Excise Tax issues related to sales over the Internet. See 35 ILCS 120/1 et seq.; 35 ILCS 630/1 et seq. (This is a GIL.)
- ST 96-0503 12/16/1996 This letter provides general information regarding nexus, licenses of computer software, software updates, software maintenance agreements, and procedures for filing sales tax returns. See 35 ILCS 120/1 et seq. (This is a GIL.)
- ST 96-0505 12/17/1996 The Department of Revenue does not administer the Uniform Disposition of Unclaimed Property Act. See 765 ILCS 1025/1 et seq. (This is a GIL.)
- ST 96-0510 12/17/1996 This letter discusses the exemption for personal property that is used in the performance of infrastructure repairs in this State resulting from a State or federally declared disaster in Illinois. See 35 ILCS 120/2-5(31). (This is a GIL.)
- ST 96-0513 12/17/1996 This letter requests that appellate process information be reviewed for accuracy. (This is a GIL.)
- ST 96-0516 12/17/1996 This letter responds to several questions about Retailers' Occupation Tax exemptions. See 35 ILCS 120/1 et seq.; 86 Ill. Adm. Code Part 130. (This is a GIL.)

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- ST 96-0517 12/18/1996 Businesses providing information on the Internet that do not involve the transfer of any form of tangible personal property to their customers, do not incur Retailers' Occupation Tax (sales tax) liability on those sales. See 86 Ill. Adm. Code 130.101. (This is a GIL.)
- ST 96-0541 12/20/1996 This letter discusses several issues related to the taxation of the sale of facilities management services. See 35 ILCS 115/1 et seq.; 86 Ill. Adm. Code Part 140. (This is a GIL.)
- ST 96-0554 12/30/1996 This letter requests information concerning systems utilized to apply taxes. (This is a GIL.)
- ST 96-0568 12/31/1996 Retailers making a retail sale in Illinois must either remit the appropriate amount of tax on that sale or document an exemption. See 86 Ill. Adm. Code 130.101. (This is a GIL.)
- MOTOR FUEL TAX
- ST 96-0430 10/25/1996 The Illinois Motor Fuel Tax Law imposes a tax on all motor fuel used in motor vehicles operating on the public highways and recreational type watercraft operating upon the waters of this State. See 86 Ill. Adm. Code 500.200. (This is a GIL.)
- ST 96-0509 12/17/1996 An automated data process tax accounting system may be used to provide the records required for verification of tax liability. See 86 Ill. Adm. Code 130.805. (This is a GIL.)
- ST 96-0514 12/17/1996 Request for information concerning motor carriers and reporting requirements under the Illinois International Fuel Tax Agreement program. (This is a GIL.)
- ST 96-0540 12/20/1996 This letter discusses issues related to the sharing of underground retail storage tanks. See 86 Ill. Adm. Code 130.1301, 1305, and 1310. (This is a GIL.)

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NEWSPRINT & INK

ST 96-0494 12/13/1996 Sales of newspapers and magazines are not subject to Retailers' Occupation Tax liability. See 86 Ill. Adm. Code 130.2105. (This is a GIL.)

NEXUS

ST 96-0428 10/29/1996 Quill Corp., v. North Dakota, requires that out-of-State sellers intentionally exploit a State's market and be physically present in the State before a Tax collection obligation can be incurred. (This is a GIL.)

ST 96-0464 11/18/1996 This letter sets out the guidelines used to determine whether an out-of-State seller can be required to collect Illinois Use Tax. See 86 Ill. Adm. Code 150.201. (This is a GIL.)

ST 96-0487

11/25/1996 This letter sets out the guidelines to determine whether the retailer should collect Illinois Retailers' Occupation Tax or Use Tax. See 86 Ill. Adm. Code 150.201. (This is a GIL.)

ST 96-0497

12/16/1996 An out-of-State retailer who maintains a place of business in Illinois is responsible for collecting Use Tax from their Illinois Use Tax collection responsibility. (This is a GIL.)

ST 96-0502

12/16/1996 Out-of-State retailers who fall within the definition of a "retailer maintaining a place of business in Illinois" are required to register and collect Use Tax from their Illinois customers and remit it to the Department. See 86 Ill. Adm. Code 150.201(i). (This is a GIL.)

ST 96-0567

12/31/1996 This letter sets out the guidelines used to determine whether out-of-State sellers are required to register as Illinois Use Tax collectors. See 86 Ill. Adm. Code 150.201. (This is a GIL.)

OCCASIONAL SALE

ST 96-0556 12/30/1996 Capital assets transferred in a merger may

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qualify for the occasional sales exemption. See 86 Ill. Adm. Code 130.110. (This is a GIL.)

OIL FIELD EQUIPMENT

ST 96-0405 10/08/1996 Public Act 89-496, effective June 25, 1996, removed the \$250 limitation on tangible personal property that qualifies for the oil field exploration, drilling, and production equipment exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 96-0528 12/19/1996 Public Act 89-496, effective June 25, 1996, removed the \$250 limitation on tangible personal property that qualifies for the oil field exploration, drilling, and production equipment exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

POLLUTION CONTROL FACILITIES

ST 96-0446 10/31/1996 Spill containment manholes that are designed to primarily prevent ground pollution by catching spilled liquids can qualify for the Pollution Control Facilities exemption. However, the exemption does not apply to equipment that confers an economic or commercial benefit to users. The exemption is not intended primarily for pollution control purposes. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 96-0448 11/04/1996 Certain items, when used in a qualifying manner on lead removal contracts may qualify for the Pollution Control Exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

ST 96-0485

11/21/1996 Equipment which is used for the primary purpose of reducing or eliminating pollution can qualify for the Pollution Control Facilities exemption. Equipment which provides an economic benefit cannot qualify for the exemption. See 86 Ill. Adm. Code 130.335. (This is a GIL.)

PRODUCTS OF PHOTOPROCESSING

ST 96-0474 11/19/1996 In transactions in which products of photoprocessing are sold in conjunction with other

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services, if a charge for the photoprocessing component is not separately stated, tax is imposed on 50% of the charge for the component. If the charge is made by a professional photographer, in which case tax shall be imposed on 10% of the entire selling price of the products of photoprocessing. (This is a GIL.)

ST 96-0511

12/17/1996 A photographer may use the 10% rule only when selling the "products of photoprocessing" in conjunction with other services and a charge for the photoprocessing fee is not separately stated. See 86 Ill. Adm. Code 130.2000(b)(3). (This is a GIL.)

PUBLIC UTILITY TAXES

ST 96-0447

10/31/1996 The Public Utilities Revenue Act imposes a distinction between persons engaged in the business of distributing, furnishing, or selling electricity to persons, other than municipal corporations owning and operating a local transportation system for public service in this State for use or consumption and not for resale. See 86 Ill. Adm. Code 510.110. (This is a GIL.)

ST 96-0483

11/21/1996 This letter rescinds a prior letter ruling regarding the legal incidence of the Public Utilities Revenue Tax. (This is a PUR.)

ST 96-0532

12/19/1996 Unincorporated instrumentalities of the Federal Government are exempt from the payment of taxes under the Gas Revenue Tax Act and the Public Utilities Revenue Act. See 86 Ill. Adm. Code 470.160 and 510.160. (This is a GIL.)

REPAIRS

ST 96-0399

10/04/1996 If the charges for maintenance agreements or warranties are included in the selling price of tangible personal property, those charges are part of the gross receipts of the retail transactions and are subject to Retailers' Occupation Tax and Use Tax. In this situation, no tax is incurred on the maintenance services or parts when the repair or servicing is completed. See 86 Ill. Adm. Code 130.450. (This is a GIL.)

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GIL.)

RETURNS

ST 96-0489

11/25/1996 Any corporation or other entity subject to the Retailers' Occupation Tax Act or Use Tax Act must be separately registered with its own IRT number and must file returns under that number. See 86 Ill. Adm. Code 130.701. (This is a GIL.)

ROLLING STOCK EXEMPTION

ST 96-0429

10/23/1996 The Rolling Stock Exemption is available to interstate carriers for hire for use as rolling stock moving in interstate commerce. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

ST 96-0534

12/20/1996 This letter provides a brief overview of the Rolling Stock exemption. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

ST 96-0537

12/20/1996 The Rolling Stock Exemption is available to interstate carriers for hire for use as rolling stock moving in interstate commerce. See 86 Ill. Adm. Code 130.340. (This is a GIL.)

SALE AT RETAIL

ST 96-0395

10/01/1996 Construction contracts consisting of engineering, installation, and maintenance of voice, data, video, security, and all telecommunications systems do not constitute engaging in the business of selling tangible personal property at retail if they are sold at one specified contract price. (This is a GIL.)

ST 96-0555

12/30/1996 Sellers of books incur Retailers' Occupation Tax liability when they sell books to purchasers for use or consumption and not for resale. (This is a GIL.)

SALE FOR RESALE

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ST 96-0408 10/09/1996 The sale of containers, as defined in Section 130.2070(a), is not subject to Retailers' Occupation Tax when the purchasers of such containers transfer to customers the ownership of the containers together with what is contained in them. See 86 Ill. Adm. Code 130.2070. (This is a GIL.)

ST 96-0422 10/11/1996 The sale of containers, as defined in Section 130.2070(a), is not subject to Retailers' Occupation Tax when the purchasers of such containers transfer to customers the ownership of the containers together with what is contained in them. See 86 Ill. Adm. Code 130.2070. (This is a GIL.)

ST 96-0425 10/18/1996 This letter describes how a standard drop shipment situation is handled. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 96-0520 12/19/1996 This letter discusses the standard drop-shipment situation. (This is a GIL.)

ST 96-0544 12/27/1996 This letter sets out a standard drop-shipment situation in which an out-of-State purchaser makes a purchase for resale from a company that is registered with Illinois and has that company drop-ship the property to a customer located in Illinois. See 86 Ill. Adm. Code 130.1405. (This is a GIL.)

ST 96-0553 12/30/1996 Sales for resale must be documented by Certificates of Resale containing all of the information set out in 86 Ill. Adm. Code 130.1405. (This is a GIL.)

SALES OF SERVICE

ST 96-0407 10/09/1996 Exhibits and displays customized or personalized so as to give value only to a particular purchaser are subject to Service Occupation Tax (35 ILCS 115/1 et seq.) and Service Use Tax (35 ILCS 110/1 et seq.). (This is a GIL.)

ST 96-0469 11/19/1996 This letter discusses application of the Service Occupation Tax and Retailers' Occupation Tax to research and reporting activities that result in a transfer of tangible personal property. See 35 ILCS 115/1

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et seq. and 35 ILCS 120/1 et seq., respectively. (This is a GIL.)

ST 96-0504 12/16/1996 This letter describes the application of the Service Occupation Tax and the Use Tax to the activities of a special order printer. See 86 Ill. Adm. Code 130.2000; 86 Ill. Adm. Code 140.101; 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 96-0507 12/17/1996 This letter provides a brief overview of the Service Occupation Tax. See 35 ILCS 115/1 et seq. (This is a GIL.)

SERVICE OCCUPATION TAX

ST 96-0472 11/19/1996 Under the Service Occupation Tax Act, servicemen are taxed on transfers of tangible personal property incident to sales of service. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 96-0496 12/16/1996 The transfer of tangible personal property by a serviceman to a service customer may result in either Service Occupation Tax liability or Use Tax liability. The service customer depends on whether or not the service customer chooses to calculate his or her liability. See 86 Ill. Adm. Code 140.101. (This is a GIL.)

ST 96-0533 12/20/1996 This letter discusses sales tax questions related to an artistic services business. See 35 ILCS 115/1 et seq. (This is a GIL.)

TELECOMMUNICATIONS EXCISE TAX

ST 96-0400 10/04/1996 In a prepaid telephone credit card program, the Telecommunications Excise Tax is incurred at the time telephone service is used in a taxable manner. The agreement between telephone service providers and the retail provider will effectuate the method of tax collection required. See 35 ILCS 630/1 et seq. (This is a GIL.)

ST 96-0414 10/09/1996 The Telecommunications Excise Tax Act imposes a tax upon the act or privilege of originating or

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receiving intrastate and interstate telecommunications by a person in this State. See 86 Ill. Adm. Code 495.00. (This is a GIL.)

ST 96-0416 10/11/1996 This letter discusses applicability of the Telecommunications Excise Tax to Internet access providers. See 86 Ill. Adm. Code Part 495. (This is a GIL.)

ST 96-0432 10/28/1996 This letter discusses the taxation of telephone cards. See 86 Ill. Adm. Code Part 495. (This is a GIL.)

ST 96-0433 10/28/1996 This letter discusses the taxation of telephone cards. See 86 Ill. Adm. Code Part 495. (This is a GIL.)

ST 96-0450 11/12/1996 When retailers charge for the transmission of data, as well as for the data itself, the charges are an element of the gross charges subject to the Telecommunications Excise Tax. See 35 ILCS 630/1 et seq. (This is a GIL.)

ST 96-0456 11/13/1996 The sale of prepaid telephone cards raises Telecommunications Excise Tax questions rather than Retailers' Occupation Tax questions. See 35 ILCS 630/1 et seq. (This is a GIL.)

ST 96-0461 11/19/1996 In general, charges for voice mail services are not subject to Telecommunications Excise Tax if they are disaggregated from any charge that includes a line charge. If not thus disaggregated, voice mail charges are fully subject to tax. See 86 Ill. Adm. Code 495.100(c). (This is a GIL.)

ST 96-0491 11/26/1996 "Telecommunications" does not include "value-added services" in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission." (This is a GIL.)

ST 96-0495 12/13/1996 This letter discusses application of the Telecommunications Excise Tax to various telecommunications services. See 35 ILCS 630/1 et seq. and 86 Ill. Adm. Code Part 495. (This is a GIL.)

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ST 96-0565 12/31/1996 This letter discusses the taxation of telephone cards. (This is a GIL.)

USE TAX

ST 96-0396 10/01/1996 This letter rescinds in part letter number 95-0132.

ST 96-0439 10/28/1996 If tangible personal property has not been purchased from a retailer, but is instead acquired incident to a purchase of service from a serviceman, it would not be taxable under the Use Tax Act. See 86 Ill. Adm. Code 105/3. (This is a GIL.)

ST 96-0444 10/28/1996 Illinois has no provision for the return of sales tax paid by foreign visitors. (This is a GIL.)

ST 96-0449 11/08/1996 Advertisements that state to the public that tax will not be added to the selling price of the property sold violate Section 7 of the Use Tax Act. See 35 ILCS 105/7. (This is a GIL.)

ST 96-0452 11/13/1996 This letter discusses the RUT-23E form. (This is a GIL.)

ST 96-0454 11/13/1996 The Use Tax Act imposes a tax upon the privilege of using in, or storing in, this State any personal property purchased at retail from a retailer. See 86 Ill. Adm. Code 150.101. (This is a GIL.)

ST 96-0457 11/13/1996 Illinois has no provision for the return of sales tax paid by foreign visitors. (This is a GIL.)

ST 96-0477 11/19/1996 There is no Illinois Use Tax credit for taxes properly due and paid to foreign governments. See 35 ILCS 105/3-55(d). (This is a GIL.)

ST 96-0499 12/16/1996 The interim use exemption is available to persons primarily engaged in selling tangible personal property when such persons lease property that is carried on their books as inventory or is otherwise available for sale during the lease period. See 86 Ill. Adm. Code 150.306. (This is a GIL.)

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12/17/1996 There is no provision for the refund of Use Tax paid by foreign visitors to Illinois who purchase and take delivery of tangible personal property while in Illinois. (This is a GIL.)

12/19/1996 Lessors who lease automobiles for periods longer than one year under true leases owe Use Tax up front with the billings for leasing purposes. See 86 Ill. Adm. Code 130.2010. (This is a GIL.)

12/19/1996 This letter forwards copies of the Use Tax rules adopted by the Department. See 86 Ill. Adm. Code 150.101. (This is a GIL.)

VEHICLE USE TAX

12/30/1996 This letter discusses the application of the Vehicle Use Tax (625 ILCS 5/3-1001 et seq.), Retailers' Occupation Tax and Use Tax (35 ILCS 120/1 et seq.) and 35 ILCS 105/1 et seq.) and the Automobile Renting Occupation and Use Tax (35 ILCS 155/1 et seq.) to a vehicle lease situation. (This is a FR.)

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- a) Part(s) Heading and Code Citation: Practice in Administrative Hearings (89 Ill. Adm. Code 104)
- 1) Rulemaking: Limit evidence admissible at hearings; Deny payments for claims submitted by a provider after receipt of a Notice of Intent to Terminate if the provider is terminated.

A) Description: The Department will propose changes in Section 104.246 to limit evidence offered into evidence at hearing by the vendor in audit cases for the recovery of money if the documentation had not previously been submitted to the Department during the audit or resubmit process without a showing of good cause. The Department will also propose a provision to limit documentation in peer review cases if the evidence had been previously submitted by the Department as part of the peer review process but had not been submitted to the Department without a showing of good cause why it had not been earlier submitted.

The Department also intends to propose rulemaking to allow the Department to hold payments of claims for services performed after the vendor has received a Notice of Intent to Terminate. The rules would provide that, if the vendor is terminated, the Department would deny payments for those services. The denial of these payments would apply even if the payments have been released because 120 days have elapsed.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meetings or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities, or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

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G) Related Rulemaking and Other Pertinent Information: None

- b) Part(s)/Heading and Code Citation): Assistance Standards (89 Ill. Adm. Code 111)

1) Rulemaking: Adjust assistance standards.

A) Description: The Department will propose amendments to adjust the Standard of Need for receipt of Aid to Families with Dependent Children effective January 1, 1998. The Public Aid Code requires that the assistance standards be updated every January based on changes in the Consumer Price Index for the previous fiscal year.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not scheduled a meeting of advisors, interested parties, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will consider any comments or written comments concerning any effects that may be submitted in response to this regulatory agenda.

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G) Related Rulemaking and Other Pertinent Information: None

- c) Part(s)/Heading and Code Citation): Aid to Families with Dependent Children (89 Ill. Adm. Code 112)

1) Rulemaking: Replace or revamp Aid to Families with Dependent Children; Eliminate aid for essential persons; Implement payment of AFDC-U grant based on work performance; Increase job retention provisions; Strengthen emphasis on work and work-related activities under the AFDC JOBS program; Require all AFDC clients, who are not in the JOBS program, to participate in work-related activities or face possible sanctions; Eliminate a reconciliation agreement and sanction clients who are participating in the AFDC JOBS program based on failure to establish good cause; Require sanctioned individuals to participate in the JOBS program for up to two weeks before the sanction is ended and assistance is restored.

A) Description: Recent State legislation requires a complete revamping of Aid to Families with Dependent Children and federal legislation allows the Department to undertake this revamping. Such changes to the program will result in the following: (1) the grant structure; (2) the family assistance unit; (3) the asset levels for determining eligibility; (4) the treatment of income received by family units; (5) the length of time assistance will be provided; (6) employment and training activities; and (7) treatment of lump sums. New policies concerning client contracts aimed at self-sufficiency, including an option to receive a one-time payment, will also need to be developed.

Federal legislation allows the Department to eliminate aid for individuals defined as "essential persons" under the Aid to Families with Dependent Children program. The Department will propose amendments to eliminate assistance for such "essential persons."

The Department plans to propose rulemaking to provide payment of the AFDC-U grant to eligible parents based on the work performance of parents in AFDC-U cases who participate in the

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Unemployed Parents Work Experience in the preceding month.

The Department plans to propose rulemaking to emphasize work under the AFDC JOBS program. The Department will delete the volunteer first focus of the JOBS program. AFDC clients will still be able to volunteer for the program, but the program's original philosophy will emphasize that work-related activities may also be part of the education below the post-secondary level component of the program. The Department will delete the requirement that reduced employment hours or quit job during the three months prior to their request for supportive services; change supportive services to a flat monthly amount; increase the monthly job search allowance; delete the unemployed or underemployed approval criterion for the Job Skills Training component; and delete the current requirement for ten employer contacts each month for participants in the Job Readiness component. There will be no specific number of employer contacts that are required each month.

Rulemaking will also be proposed to require all clients receiving AFDC grants and not enrolled in the JOBS program to participate in work-related activities and accept a suitable offer of employment or face a possible sanction.

Amendments will be proposed to eliminate a conciliation agreement and allow the Department to sanction clients who complete the JOBS orientation, employability assessment and are assigned to a JOBS component, if they fail to cooperate with the JOBS program requirements and do not establish good cause during the conciliation process.

Rulemaking will be proposed to require clients, who complete the sanction period, to agree, in writing, to cooperate with the program requirements and fulfill the agreement by demonstrating cooperation and participating, for up to two weeks, in the program activity before the sanction is lifted.

Depending on the enactment of a State law change, the Department will propose amendments to exempt 19, 19 and 20 year olds from parental responsibility requirements.

B) Statutory Authority: Sections 1-8(a) and 12-13 of the Illinois Social Security Code [305 ILCS 5/1-8(a) and 12-13].

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may

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be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

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G) Related Rulemakings and Other Pertinent Information: None

d) Part(s) (Heading and Code Citation): Aid to Families with Dependent Children (89 Ill. Adm. Code 112); Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113); General Assistance (89 Ill. Adm. Code 114); Medical Assistance Programs (89 Ill. Adm. Code 120); and Food Stamps (89 Ill. Adm. Code 121)

1) Rulemaking: Make fugitives from criminal justice ineligible for benefits.

A) Description: Upon granting of the required waivers by the Federal Health Care Financing Administration, the Department plans to propose rulemaking to implement the provisions of Section 1-8(a) of the Illinois Public Aid Code. These statutory provisions provide that a person who (1) has fled to avoid incarceration for having committed a felony, (2) has fled from the jurisdiction of a court to avoid giving testimony in a criminal proceeding involving the commission of an alleged felony, or (3) has escaped incarceration for a felony, will be ineligible for any benefits under the Public Aid Code.

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- B) Statutory Authority: Sections 1-8(a) and 12-13 of the Illinois Public Aid Code [305 ILCS 5/1-8(a) and 12-13].

C) Schedule of Meetings or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- F) Agency Contact Person for Information:

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- G) Related Rulemakings and Other Pertinent Information: None

- e) Partis/Headin and Code Citation: Related Program Provisions (89 Ill. Adm. Code 117)

1) Rulemaking: Expand the School Attendance Initiative to include grades seven and eight.

A) Description: Current rules allow the School Attendance Initiative to be implemented in grades one through six. The Department plans to propose amendments to expand this program to include the middle grades (grades seven and eight). A student component would be put in place for the truant child to ensure the child accepts the consequences for his or her behavior.

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- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 89-6.

C) Schedule of Meetings or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- F) Agency Contact Person for Information:

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- G) Related Rulemakings and Other Pertinent Information: None

- f) Partis/Headin and Citation Code: Medical Assistance Programs (89 Ill. Adm. Code 120)

1) Rulemaking: Provide criteria for appeals of the community spouse resource allowance; Allow for personal needs allowance equal to long term care client's monthly income for up to two months; Implement statutory changes concerning Partnership Insurance for long term care residents; Allow individuals with large spenddowns awaiting a decision to meet spenddown; Establish consistent MAG household composition policy.

- A) Description: The Department plans to propose amendments to

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provide criteria for appeals of the Community Spouse Resource Allowance (CSRA). The rulemaking will establish the criteria the Department will use, as the result of an appeal, to determine the amount (if any) over the CSRA maximum of \$76,740 that a resident in a nursing facility may transfer to a community spouse without effecting Medicaid eligibility. The method for the determination will be outlined in the rulemaking. It will include basing the income-producing capacity of assets on the amount needed to purchase a single premium life annuity that would provide monthly payments sufficient to raise the community spouse's income to the Community Spouse Maintenance Needs Allowance of \$1,918. The purchase of the annuity will not be required.

The Department also plans to propose amendments to allow for a personal needs allowance equal to a long term care client's income, for up to two months, instead of the \$30 per month personal allowance. This increase in personal allowance will apply only to long term care clients, identified by the Department on Aging or the Department of Public Aid, for voluntary transition to the community to receive services through the Department on Aging.

Rulemaking based on recent statutory changes will be proposed to provide criteria for the protection of assets from Medicaid eligibility for persons who purchase and use insurance that meets requirements of the Non-For-Profit Partnership Insurance Program. Income generated by the protected insurance will be treated as a Medicaid eligibility. The provisions will protect all assets of a person who purchases a policy with coverage equal to the average cost of four years of long term care in a nursing home provided that the person has received all of the qualifying benefit payments that are payable under the policy. For other policies, the provisions will protect the amount of assets equal to the sum of the qualifying benefit payments provided that the person has received all qualifying benefit payments that are payable under the policy.

Rulemaking will also be proposed to enroll persons who are awaiting transplants in spenddown. Currently persons are not enrolled in spenddown status unless they either have sufficient assets to pay for the cost of their transplant or have income and assets below the CSRA. This rulemaking will be proposed to enroll persons in spenddown status who are awaiting transplants. The Department's administrative cost of maintaining cases with large spenddowns in unmet spenddown status while still ensuring that persons who are Medicaid eligible are authorized timely. However, the Department has been advised that transplant centers will not place persons on a waiting list to receive a transplant unless they are enrolled in spenddown. For this reason, the Department

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will propose modifying its policy regarding spenddown enrollment.

The Health Care Financing Administration (HCFA) has been attempting since the 1980s to establish a consistent MANG household composition policy. Their most recent regulations were withdrawn last year and states were allowed to establish their own policy within the parameters of existing laws. On that basis, the Department will propose amendments to establish consistent guidelines recognizing the various family structures and conforming with federal law and regulations. The intent of this rulemaking will be to: (1) apply the income and assets of responsible relatives against the needs of the persons living in the household; (2) make the income and assets of responsible persons for whom they are not responsible relatives against the needs of persons for whom they are not responsible under Medicaid regulations, such as siblings; and (3) insure that the income and assets of a non-responsible relative do not create a spenddown for a client.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13)

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted to the Department on or before the date of the public opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: Noneg) Part(s)(Heading and Code Citation): Food Stamps (89 Ill. Adm. Code 121)

- 1) Rulemaking: Revise Food Stamp program in accordance with the Mickey Leland Childhood Hunger Relief Act; Implement Personal Responsibility and Work Opportunity Reconciliation Act of 1996 concerning work requirement for food stamps; Make individuals ineligible for quit job without good cause; Deem income of a spouse as available; Adjust maximum allotment and add nonheating/cooling utility standard.

- A) Description: In accordance with provisions of the Mickey Leland Childhood Hunger Relief Act, the Department plans to propose amendments to make a number of changes in the Food Stamp program.

With the exception of categorically eligible households and households entitled to expedited service, all members of the food stamp household must furnish to the Department a social security number or provide proof of application for a social security number. Based on an agreement with the Social Security Administration, local offices will no longer be involved in processing applications for social security numbers.

Amendments will be proposed to exempt certain households from the voluntary quit provisions. This rulemaking will provide that if the head of the household or the only adult household member quits his or her job, the food stamp household will be disqualified from receiving food stamp benefits. However, if the food stamp household contains another parent of children in the household, the voluntary quit provisions will not apply.

Pursuant to 7 CFR 273.11, the Department expects to propose a rulemaking to establish that food stamp benefits will not increase when a household's cash assistance benefits decrease due to an intentional failure to comply with requirements of a federal, State or local cash assistance program. As a result of these proposed amendments, the amount of cash assistance benefits withheld from the household due to an intentional failure to comply with requirements of a federal, State or local cash assistance program will be considered available unearned income in the determination of the household's eligibility and coupon allotment.

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Pursuant to Section 13921 of the Mickey Leland Childhood Hunger Relief Act, the Department will propose amendments to add a deduction for household members paying legally obligated child support when net income is calculated for food stamp benefits.

Amendments will be proposed to clarify that children who receive AFDC cash assistance, but are not living with the assistance unit full-time, must remain in the same food stamp case as the caretaker relative for the AFDC cash assistance case. Revising the Food Stamp rules will provide consistency between the AFDC and Food Stamp programs and make it easier for casework staff to maintain an AFDC/Food Stamp case.

Some students attending an institution of higher education are eligible to participate in the Food Stamp program. The Department will propose rulemaking to specify that a student of higher education will be allowed to participate in the Food Stamp program if the student is: (1) enrolled in a program under the Job Training Partnership Act; (2) enrolled as a result of the JOBS program under Title IV of the Social Security Act or its successor; (3) enrolled full-time in an institution of higher education and is a single parent with the responsibility for the care of a dependent child under age 12; (4) enrolled in any employment or training program required by the Food Stamp program; or (5) participating in an on-the-job training program.

In addition, these amendments will revise the definition of an institution of higher education. This rulemaking will add language to the rules to indicate that a student attending an institution of higher education will be eligible to participate in the Food Stamp program if he or she has been approved to participate in a State or federal work study program and the student expects to work during the school term.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 contains a work requirement for food stamps. The Department will propose amendments to comply with this federal legislation. Starting December 1, 1996, persons in Category 08 food stamp units who are employable are eligible for only 3 months of benefits in a 36 month period unless they meet the work requirement. Persons meet the work requirement if they: (1) work at least 80 hours (20 hours per month) in the calendar year; or (2) work times 80 hours; (2) participate in a community service program off the value of their food stamps through a "workfare" program. The Department will propose amendments to enable participants residing in nonexempt areas of the State to meet the

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Work Requirements via "workfare" type components such as Earnfare, Workfare and Community Service. The participants will work off the value of their food stamps up to a maximum of 20 hours each month. Participants may also take part in the other FS&T components.

Rulemaking will also be proposed to make ineligible individuals who are physically and mentally fit and between the ages of 16 and 60 if they (1) refuse without good cause to provide sufficient information to allow a determination of their employment status or job availability, (2) voluntarily and without good cause quit a job, or (3) voluntarily and without good cause reduce their work effort and are working less than 30 hours a week after the reduction.

The Department plans to propose a rulemaking to provide that the full amount of income and resources of an alien's sponsor and the sponsor's spouse are counted when determining eligibility and benefit level for food stamps.

Rulemaking implementing annual adjustments in the maximum allotment will be proposed. Benefit amounts are adjusted annually based on 100 percent of USDA's Thrifty Food Plan. In addition, the Department will propose amendments to provide for use of a nonheating/cooling utility standard of \$139. Households who incur electricity expenses which do not include a heating or cooling cost will be entitled to use of the new standard when calculating the amount of the food stamp benefits.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ILCS 5/12-13) and Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. An opportunity for public comment will be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities, and not-for-profit corporations.

DEPARTMENT OF PUBLIC AID

JANUARY 1997 REGULATORY AGENDA

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G) Related rulemaking and Other Pertinent Information: None

h) Part(s) [Heading and Code Citation]: Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking: Update and clarify cost reporting requirements for long term care facilities; eliminate conditions for medical payment; Amend provisions relating to ICF/DD facilities; Clarify coverage of private automobiles as medical transportation; Add provisions for a supportive living facilities demonstration project; Clarify the coverage and process by which physicians can dispense drugs; Clarify requirements for documentation regarding drugs returned to the pharmacy; Establish a policy that pharmacies must require a signature at the time a Medicaid prescription is picked up; Clarify the requirements for pharmacists serving Medicaid clients to perform a drug review and to offer patient counseling; Continue phased-in implementation of the Recipient Eligibility Verification system; Include coverage for a limited range of emergency dental services for adults; Add provisions on audit responses and audits.

A) Description: The Department plans to review all rules regarding cost reporting and allowable costs for long term care facilities. The rules will be updated and amended as appropriate. The Department does not plan to implement significant changes in policy.

The Department anticipates rulemaking as a result of Public Law 104-315 which deleted annual resident review as a federal requirement.

As one of the final steps in the transition of responsibility for ICF/DD facility services to the Department of Mental Health and Developmental Disabilities (DMHDD) under Public Act 87-996, DMHDD will adopt its own rules relating to ICF/DD facility services and responsibilities. Rules relating to ICF/DD facilities currently under the Department of Public Aid will be amended accordingly.

Amendments to clarify the coverage of private automobiles as a

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means of transportation to a medical service are planned by the Department. Current rules do not provide any criteria for enrolling private automobiles as providers of service. The Department will propose that reimbursement for transportation by private automobiles should be limited to continuous services or a chronic medical condition rather than an occasional appointment.

Rules will be proposed to initiate a supportive living facilities demonstration project as mandated by Public Act 89-499. The Department may establish and provide oversight for a demonstration project to determine the viability of supportive living facilities. Supportive living facilities integrate housing with health care, personal care, and supportive services and are designated settings that offer residents their own separate, private and distinct living units. Rules will be proposed that establish or modify the services, standards and conditions for participation in the demonstration project.

The Department plans to propose the following changes to the rules pertaining to pharmacy services. Similar changes will be proposed for incorporation into the administrative rules for the Illinois State Board of Pharmacy requirements, for the practice of pharmacy in Illinois. Comparable provisions are necessary because the Health Care Financing Administration holds the Department responsible for monitoring compliance for Medicaid recipients. The language for the rules of both the Department of Professional Regulation and the Department of Public Aid will reflect the federal regulations.

Amendments will be proposed concerning a process whereby physicians can dispense some pharmaceutical products. Although the Medical Practice Act allows physicians to dispense take home drugs, the Department has never allowed physicians to be reimbursed for these take home drugs. Until this past year, there were no rules which physicians could be held accountable for the dispensing of drugs. Physicians offer two reasons for the Department to seriously consider this request: (1) many small pharmacies are closing because they cannot compete with the large chain pharmacies, and (2) pharmaceutical companies are beginning to direct marketing efforts toward physician practices. Physicians who have previously avoided dispensing drugs are becoming aware of a new system for simple dispensing. A vending machine type system is now available for physician use.

The Department plans to propose amendments so that every drug returned to a pharmacy by a nursing home must be credited back to the Department unless there is acceptable documentation that the drug was destroyed within 72 hours of being returned. Failure to

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provide this credit will be possible grounds for termination or other action.

Amendments are planned to establish a policy regarding client signatures at the time of prescription pick up. Pharmacies will be required to maintain a signature log showing the signature of the recipient or the responsible party acting on the recipient's behalf who picked up each prescription. The log will not need to be separate from the logs required by other payers but must contain information sufficient to permit the prescription to be identified within the Department's payment files.

The Department also plans to propose amendments regarding the responsibilities of pharmacists to provide drug review and client counseling services. Federal regulations impose specific requirements on pharmacists serving Medicaid eligible individuals regarding the evaluation and counseling of patients. This includes counseling concerning such prescription. This includes feedback about each prescription such as the name and description of the medication, dosage and manner of administration, duration of therapy, proper storage, refill information, actions to be taken in case of missing doses, any special directions or precautions, and common side effects or adverse effects, interactions and therapeutic contraindications.

The Department plans to propose rulemaking under the authority included in Public Act 88-554 to continue to implement Phase I of the Recipient Eligibility Verification system, scheduled to begin in fiscal year 1997. This phase involves the selection of Vendors, the initiation of contracts with the Vendors, establishing telecommunications links with the Vendors, notifying medical providers of the REV system and putting the system into production which includes the ability of providers to electronically verify recipient eligibility. The system history, inquire on rejected claims submitted in batch mode, and weekly download of claims status. Additionally, further technological enhancements may be incorporated into the REV system conditioned on the initial performance of the system, improved technology and medical provider response to the REV system.

Additionally, the definition of high volume providers will be determined. In accordance with 88-554, all medical providers defined as "high volume" must participate in the REV Program.

Currently the Department provides dental services only for individuals under the age of 21. The Department intends to amend the rules to allow payment for a limited range of emergency dental services for adults.

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In addition, the Department plans to propose rulemaking to amend the current provisions on audits to allow vendors 45 days to respond to the audit findings and provide additional documentation for reaudit, and to provide that only one reaudit will be conducted, and if response is not received, the matter will be referred for administrative hearing to recover the amounts sought.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- F) Agency Contact Person for Information:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

- G) Related Rulemakings and Other Pertinent Information: None

- 1) Part(s)/Heading and Code Citation: Medical Payment (89 Ill. Adm. Code 140), MediPlan Plus (89 Ill. Adm. Code 142), Hospital Services (89 Ill. Adm. Code 148) and Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)

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- 1) Rulemaking: Modify the MediPlan Plus managed care program as needed.
A) Description: As the MediPlan Plus program is implemented and becomes operational, the Department anticipates that there may be certain requirements that may be necessary and that changes may be required in the Department's rules. The specific subject of these refinements cannot be anticipated at this time.

Amendments will also be proposed as necessary to Part 140, Part 148 and Part 149 to assure that related medical reimbursement provisions reflect the medical services provided in conjunction with MediPlan Plus.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- F) Agency Contact Person for Information:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

- G) Related Rulemakings and Other Pertinent Information: None

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- j) Partial/Heading and Code Citation: Developmental Disabilities Services (89 Ill. Adm. Code 144)

- 1) Rulemaking: Amend provisions for \$1.0 add-on: Repeal provisions relating to ICF/DD facilities.

A) Description: Effective January 1, 1997, the Department began covering adult emergency dental services. In 1995, long term care facilities were given an add-on of \$1.0 per resident, per day, to cover the costs of adult emergency dental services. Now that these services will be covered by the Department, the add-on will continue for different services.

As one of the final steps in the transition of responsibility for ICF/DD facility services to the Department of Mental Health and Developmental Disabilities (DMHDD) under Public Act 87-996, DMHDD will adopt its own rules relating to ICF/DD facility services and responsibilities. Rules relating to ICF/DD facilities currently under the Department of Public Aid will be repealed.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- F) Agency Contact Person for Information:

Joanne Jones
Bureau of Rules and Regulations

DEPARTMENT OF PUBLIC AID

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Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

- G) Related Rulemakings and Other Pertinent Information: None

- k) Partial/Heading and Code Citation: Reimbursement for Nursing Costs for Geriatric Facilities (89 Ill. Adm. Code 147)

- 1) Rulemaking: Amend provisions for the \$1.0 emergency dental add-on: Repeal provisions relating to ICF/DD facilities.

A) Description: Effective January 1, 1997, the Department began covering adult emergency dental services. In 1995, long term care facilities were given an add-on of \$1.0 per resident, per day, to cover the costs of adult emergency dental services. Now that these services will be covered by the Department, the add-on will continue for different services.

As one of the final steps in the transition of responsibility for ICF/DD facility services to the Department of Mental Health and Developmental Disabilities (DMHDD) under Public Act 87-996, DMHDD will adopt its own rules relating to ICF/DD facility services and responsibilities. Rules relating to ICF/DD facilities currently under the Department of Public Aid will be amended accordingly.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department

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will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

G) Related Rulemakings and Other Pertinent Information: None1) Part(s) (Heading and Code Citation): Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)

- 1) Rulemaking: Extend the rate maintenance period; Amend provisions for the \$10 emergency dental add-on.

A) Description: The Department plans to extend the rate maintenance period to June 30, 1998.

Effective January 1, 1997, the Department began covering adult emergency dental services. In 1995, long term care facilities were given an add-on of \$10 per resident, per day, to cover the costs of adult emergency dental services. Now that these services will be covered by the Department, the add-on will continue for different services, as yet undefined.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (305 ICS 5/12-13)

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

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E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-0081

G) Related Rulemakings and Other Pertinent Information: Nonea) Part(s) (Heading and Code Citation): Child Support Enforcement (89 Ill. Adm. Code 160)

- 1) Rulemaking: Change distribution of child support collections procedures; Amend the Administrative Paternity and Support Order Process; Amend policies on establishment and enforcement of child support orders; Amend general policies for the child support enforcement program.

A) Description: The Department plans to propose rulemaking to revise its policies and procedures on distribution of child support payments in light of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).

In order to meet requirements of P.L. 104-193, the Department plans to propose rulemaking amending its administrative paternity and child support process to provide for entry of temporary administrative support orders in pending contested administrative paternity cases. Clearer procedures concerning enforcement of paternity orders will also be provided for the 60-day decision period pertaining to acknowledgments of paternity.

In order to comply with requirements of P.L. 104-193, the Department plans to propose rulemaking to amend its rules on income withholding to require the withholding of income that is not already subject to withholding as soon as arrearages occur without the need for hearing, and to require notification to the obligor that withholding has commenced and how to contest the

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withholding on the grounds of a mistake of fact.

In order to comply with requirements of P.L. 104-193, the Department plans to propose rulemaking amending its rules on establishment and enforcement of child support to provide for requests to licensing agencies to suspend licenses because of the failure of the licensee to comply with a subpoena relating to paternity or child support proceedings.

In order to comply with requirements of P.L. 104-193, the Department plans to propose rulemaking amending its rules on enforcement of child support orders to provide for imposition of administrative child support liens and seizure of assets and voiding of fraudulent transfers.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meetings or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-for-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small organizations, or not-for-profit corporations. The Department will accept and consider only written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

Judy Umunna
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Illinois Department of Public Aid
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G) Related Rulemakings and Other Pertinent Information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM C-1

SPRINGFIELD, ILLINOIS

9:00 A.M.

FEBRUARY 25, 1997

NOTICE: It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Office Building
Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Banks and Real Estate

68-1150-96-15848 WR

1. Real Estate License Act of 1983 (68 Ill Adm Code 1450)

-First Notice Published: 20 Ill Reg 15848 - 12/20/96

-Expiration of Second Notice Period: 3/21/97

Children and Family Services

89-358-96-03643 MC

2. Repeat of Background Inquiry for Purchase of Service Providers (89 Ill Adm Code 358)

-First Notice Published: 20 Ill Reg 3643 - 3/1/96

-Expiration of Second Notice Period: 3/1/97

89-380-96-03632 MC

3. Repeat of Background Check of Foster Family Home Applicants (89 Ill Adm Code 380)

-First Notice Published: 20 Ill Reg 3629 - 3/1/96

-Expiration of Second Notice Period: 3/1/97

89-385-96-05133 MC

4. Background Checks (89 Ill Adm Code 385)

-First Notice Published: 20 Ill Reg 5133 - 4/5/96

-Expiration of Second Notice Period: 3/13/97

89-401-96-05173 MC

5. Licensing Standards for Child Welfare Agencies (89 Ill Adm Code 401)

-First Notice Published: 20 Ill Reg 5173 - 4/5/96

-Expiration of Second Notice Period: 3/1/97

89-402-96-05221 MC

6. Licensing Standards for Foster Family Homes (89 Ill Adm Code 402)

-First Notice Published: 20 Ill Reg 5221 - 4/5/96

-Expiration of Second Notice Period: 3/1/97

89-403-96-05261 MC

7. Licensing Standards for Group Homes (89 Ill Adm Code 403)

-First Notice Published: 20 Ill Reg 5261 - 4/5/96

-Expiration of Second Notice Period: 3/1/97

89-404-96-05160 MC

8. Licensing Standards for Child Care Institutions and Maternity Centers (89 Ill Adm Code 404)

-First Notice Published: 20 Ill Reg 5160 - 4/5/96

-Expiration of Second Notice Period: 3/1/97

89-405-96-05184 MC

9. Licensing Standards for Day Care Agencies (89 Ill Adm Code 405)

-First Notice Published: 20 Ill Reg 5184 - 4/5/96

-Expiration of Second Notice Period: 3/1/97

89-406-96-05197 MC

10. Licensing Standards for Day Care Homes (89 Ill Adm Code 406)

-First Notice Published: 20 Ill Reg 5197 - 4/5/96

-Expiration of Second Notice Period: 3/1/97

89-408-96-05236 MC

11. Licensing Standards for Group Day Care Homes (89 Ill Adm Code 408)

-First Notice Published: 20 Ill Reg 5236 - 4/5/96

-Expiration of Second Notice Period: 3/1/97

89-410-96-05271 MC

12. Licensing Standards for Youth Emergency Shelters (89 Ill Adm Code 410)

-First Notice Published: 20 Ill Reg 5271 - 4/5/96

-Expiration of Second Notice Period: 3/1/97

Commerce Commission

92-1205-96-13481 JO

13. Fees and Taxes (92 Ill Adm Code 1205)

-First Notice Published: 20 Ill Reg 13481 - 10/18/96

-Expiration of Second Notice Period: 2/26/97

Community College Board

23-1501-96-11527 CL

14. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)

-First Notice Published: 20 Ill Reg 11527 - 8/30/96

-Expiration of Second Notice Period: 2/26/97

23-1501-96-14953 CL
15. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
-First Notice Published: 20 Ill Reg 14353 - 11/8/96
-Expiration of Second Notice Period: 2/26/97

23-1501-96-14674 CL
16. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
-First Notice Published: 20 Ill Reg 14674 - 11/15/96
-Expiration of Second Notice Period: 2/26/97

23-1501-96-14964 CL
17. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
-First Notice Published: 20 Ill Reg 14964 - 11/22/96
-Expiration of Second Notice Period: 2/26/97

23-1501-96-15130 CL
18. Administration of the Illinois Public Community College Act (23 Ill Adm Code 1501)
-First Notice Published: 20 Ill Reg 15130 - 12/2/96
-Expiration of Second Notice Period: 3/7/97

Corrections

20-701-96-14052 MB
19. County Jail Standards (20 Ill Adm Code 701)
-First Notice Published: 20 Ill Reg 14052 - 11/1/96
-Expiration of Second Notice Period: 3/2/97

Natural Resources

17-710-96-15145 MB
20. The Taking of Wild Turkeys-Spring Season (17 Ill Adm Code 710)
-First Notice Published: 20 Ill Reg 15145 - 12/2/96
-Expiration of Second Notice Period: 3/7/97

17-1010-96-15138 MB
21. Illinois List of Endangered and Threatened Fauna (17 Ill Adm Code 1010)
-First Notice Published: 20 Ill Reg 15138 - 12/2/96
-Expiration of Second Notice Period: 3/7/97

Nuclear Safety

32-332-96-14683 MB
22. Licensing Requirements for Source Material Milling Facilities (32 Ill Adm Code 332)
-First Notice Published: 20 Ill Reg 14683 - 11/15/96
-Expiration of Second Notice Period: 2/27/97

Pollution Control Board

35-732-96-13806 CD
23. Petroleum Underground Storage Tanks (35 Ill Adm Code 732)
-First Notice Published: 20 Ill Reg 13806 - 10/25/96

-Expiration of Second Notice Period: 2/26/97

Property Tax Appeal Board

86-1910-96-15657 DC
24. Procedures (86 Ill Adm Code 1910)
-First Notice Published: 20 Ill Reg 15657 - 12/13/96
-Expiration of Second Notice Period: 3/12/97

Public Aid

89-121-96-13908 RS
25. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 20 Ill Reg 13908 - 10/25/96
-Expiration of Second Notice Period: 2/28/97

89-121-96-13515 RS

26. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 20 Ill Reg 13515 - 10/18/96
-Expiration of Second Notice Period: 3/1/97

89-121-96-13151 RS

27. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 20 Ill Reg 13151 - 10/11/96
-Expiration of Second Notice Period: 3/9/97

89-140-96-09810 RS

28. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 20 Ill Reg 9810 - 7/26/96
-Expiration of Second Notice Period: 3/9/97

89-160-96-13894 RS

29. Child Support Enforcement (89 Ill Adm Code 160)
-First Notice Published: 20 Ill Reg 13894 - 10/25/96
-Expiration of Second Notice Period: 3/19/97

89-165-96-13148 RS

30. Collections and Recoveries (89 Ill Adm Code 165)
-First Notice Published: 20 Ill Reg 13148 - 10/11/96
-Expiration of Second Notice Period: 3/9/97

Public Health

77-515-96-11602 MC
31. Emergency Medical Services and Trauma Center Code (77 Ill Adm Code 515)
-First Notice Published: 20 Ill Reg 11602 - 8/30/96
-Expiration of Second Notice Period: 2/25/97

Racing Board

11-314-96-15195 JO
32. PFT (11 Ill Adm Code 314)
-First Notice Published: 20 Ill Reg 15195 - 12/2/96
-Expiration of Second Notice Period: 3/12/97

11-509-96-15176 JO

33. Repeat of Medication (11 Ill Adm Code 509)
 -First Notice Published: 20 Ill. Reg. 15176 - 12/2/96
 -Expiration of Second Notice Period: 3/12/97

11-603-96-15161 JO

34. Medication (11 Ill Adm Code 603)
 -First Notice Published: 20 Ill Reg 15161 - 12/2/96
 -Expiration of Second Notice Period: 3/12/97

11-808-96-15155 JO

35. Horse Health (11 Ill Adm Code 808)
 -First Notice Published: 20 Ill Reg 15155 - 12/2/96
 -Expiration of Second Notice Period: 3/12/97

11-1411-96-14987 JO

36. Jockeys, Apprentices, Jockey Agents and Valets (11 Ill Adm Code 1411)
 -First Notice Published: 20 Ill Reg 14987 - 11/22/96
 -Expiration of Second Notice Period: 3/12/97

Revenue

37. Retailers' Occupation Tax (86 Ill Adm Code 130)
 -First Notice Published: 20 Ill Reg 14161 - 11/1/96
 -Expiration of Second Notice Period: 2/25/97

86-140-96-14175 CD

38. Service Occupation Tax (86 Ill Adm Code 140)
 -First Notice Published: 20 Ill Reg 14175 - 11/1/96
 -Expiration of Second Notice Period: 2/25/97

86-435-96-14131 CD

39. Charitable Games Act (86 Ill Adm Code 435)
 -First Notice Published: 20 Ill Reg 14131 - 11/1/96
 -Expiration of Second Notice Period: 2/26/97

Transportation

40. Aviation Safety (92 Ill Adm Code 14)
 -First Notice Published: 20 Ill Reg 14383 - 11/8/96
 -Expiration of Second Notice Period: 3/2/97

EMERGENCY AND PEREMPTORY RULEMAKINGS

Agriculture

8-125-97-01221P MB

41. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
 -Notice Published: 21 Ill Reg 1221 - 1/24/97

Central Management Services

80-310-97-01023E MR

42. Pay Plan (80 Ill Adm Code 310) (Emergency)

- Notice Published: 21 Ill Reg 1023 - 1/17/97
 Children and Family Services

89-302-97-01033E MC

43. Services Delivered by the Department (89 Ill Adm Code 302) (Emergency)
 -Notice Published: 21 Ill Reg 1033 - 1/17/97

Corrections

20-701-97-00626E MB

44. County Jail Standards (20 Ill Adm Code 701) (Emergency)
 -Notice Published: 21 Ill Reg 626 - 1/10/97

20-415-97-00638E MB

45. Health Care (20 Ill Adm Code 415) (Emergency)

-Notice Published: 21 Ill Reg 638 - 1/10/97

20-525-97-00641E MB

46. Rights and Privileges (20 Ill Adm Code 525) (Emergency)
 -Notice Published: 21 Ill Reg 641 - 1/10/97

20-405-97-00647E MB

47. School District #428 (20 Ill Adm Code 405) (Emergency)
 -Notice Published: 21 Ill Reg 647 - 1/10/97

Criminal Justice Information Authority

20-1520-97-00651E MB

48. Operating Procedures For The Administration of Federal Funds (20 Ill Adm Code 1520) (Emergency)

-Notice Published: 21 Ill Reg 651 - 1/10/97

Public Aid

89-112-97-00662E MC

49. Aid to Families With Dependent Children (89 Ill Adm Code 112) (Emergency)
 -Notice Published: 21 Ill Reg 662 - 1/10/97

89-113-97-00673E MC

50. Aid To The Aged, Blind or Disabled (89 Ill Adm Code 113) (Emergency)
 -Notice Published: 21 Ill Reg 673 - 1/10/97

89-114-97-00682E RS

51. General Assistance (89 Ill Adm Code 114) (Emergency)

-Notice Published: 21 Ill Reg 682 - 1/10/97

89-120-97-00692E RS

52. Medical Assistance Programs (89 Ill Adm Code 120) (Emergency)
 -Notice Published: 21 Ill Reg 692 - 1/10/97

89-140-97-00705E RS

53. Medical Payment (89 Ill Adm Code 140) (Emergency)
 -Notice Published: 21 Ill Reg 705 - 1/10/97

EXPEDITED CORRECTIONS

Public Health/Health Facilities Planning Board

77-1130-95-0297200 NS Health Facilities Planning Procedural Rules (77 Ill Adm Code 1130)

Revenue

86-130-96-1575100 DC
55. Retailers' Occupation Tax (86 Ill Adm Code 130)

AGENCY RESPONSES

Commerce Commission

83-761-96-08416 CL

56. Arbitration Practice (83 Ill Adm Code 761)

-First Published: 20 Ill Reg 8416 - 6/28/96

-Objection & Prohibition Date: 10/15/96

-Response: Refusal

83-762-96-08407 CL

57. Approval or Rejection of Arbitrated Agreements (83 Ill Adm Code 762)

-First Published: 20 Ill Reg 8407 - 6/28/96

-Objection & Prohibition Date: 10/15/96

-Response: Refusal

83-763-96-08393 CL

58. Approval of Negotiated Agreements (83 Ill Adm Code 763)

-First Published: 20 Ill Reg 8393 - 6/28/96

-Objection & Prohibition Date: 10/15/96

-Response: Refusal

83-764-96-08395 CL

59. Approval of Statements for Generally Available Terms (83 Ill Adm Code 764)

-First Published: 20 Ill Reg 8395 - 6/28/96

-Objection & Prohibition Date: 10/15/96

-Response: Refusal

Education

73-252-96-08585 CL

60. Regional Offices of Education and Intermediate Services (23 Ill Adm Code 525)

-First Published: 20 Ill Reg 8585 - 7/5/96

-Objection Date: 10/15/96

-Response: Agreement

Historic Preservation Agency

17-4190-96-10496 CD

61. Rules for the Protection, Treatment and Inventory of Archaeological and

Paleontological Resources on Public Land (17 Ill Adm Code 4190)

-First Published: 20 Ill Reg 10496 - 8/9/96

-Objection Date: 12/17/96

-Response: Withdrawn

Public Aid

89-170-96-03977 RS

62. Demonstration Programs (89 Ill Adm Code 170)

-First Published: 20 Ill Reg 3977 - 4/26/96

-Objection Date: 11/19/96

-Response: Agreement

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 4, 1997 through February 10, 1997 and have been scheduled for review by the Committee at its February 25, 1997 or March 18, 1997 meetings in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/21/97	Office of Banks and Real Estate, Real Estate License Act of 1983 (68 Ill Adm Code 1450)	12/20/96 20 Ill Reg 15848	2/25/97
3/22/97	Secretary of State, Public Library Construction Grants (23 Ill Adm Code 3060)	11/22/96 20 Ill Reg 14991	3/18/97
3/23/97	Department of Public Health, Illinois Mobile Home Tiedown Act (77 Ill Adm Code 870)	7/26/96 20 Ill Reg 9831	3/18/97
3/23/97	Department of Public Health, Illinois Education Scholarships (77 Ill Adm Code 577)	3/29/96 20 Ill Reg 4917	3/18/97

PROCLAMATIONS

97-40

CELEBRATION AND RESEARCH OF CHRISTIAN HERITAGE WEEK

Whereas, men like Benjamin Franklin, George Washington, Thomas Jefferson, James Madison, Patrick Henry and George Mason, along with other great men and women in the history of our country, were Christian statesmen of great caliber and integrity; and

Whereas, during September 1997 many Illinois students will learn about the research that has been done regarding Christianity and the famous Christians in the history of this country; and

Whereas, research and information about Christian heritage has been done by Christian Heritage Ministries, which is "dedicated to the preservation of America's Christian history;" and

Whereas, the Christian Heritage Ministries' celebration of the research of Christian heritage and the dissemination of this information to Illinois' youth will be September 14-20, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 14-20, 1997, as CELEBRATION AND RESEARCH OF CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor January 31, 1997.

Filed by the Secretary of State February 7, 1997.

97-41

CELEBRATION AND RESEARCH OF CHRISTIAN HERITAGE WEEK

Whereas, religious holidays, festivals, and celebrations add to the cultural mosaic of our state; and

Whereas, churches are a functional part of the communities in our state, often providing charitable assistance to our citizens; and

Whereas, Thanksgiving week is an appropriate time to center attention on the religious heritage of our state and nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 23-29, 1997, as CHRISTIAN HERITAGE WEEK in Illinois.

Issued by the Governor January 31, 1997.

Filed by the Secretary of State February 7, 1997.

97-42

HEPHZIBAH CHILDREN'S ASSOCIATION DAY

Whereas, Hephzibah Children's Association was founded in 1897 by Mary Wessels, who opened her home to the children who had nowhere to go after fire destroyed an orphanage; and

Whereas, Hephzibah's professional staff works to support and enhance child and family development through a number of unique programs; and

Whereas, Hephzibah takes on some of the most desperate cases of child abuse, neglect and homelessness; and

Whereas, Hephzibah, which means "comforting mother," has focused on the prosperity of children through innovative programs and services that center on caring and building trust; and

Whereas, the services provided by Hephzibah are needed now more than ever

before; and Whereas, Hephzibah makes a difference in the lives of the children it serves through the commitment of its community-based board of directors, volunteers and dedicated staff;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8, 1997, as **HEPHZIBAH'S CHILDREN'S ASSOCIATION DAY** in Illinois, in recognition of that 80th birthday.

Issued by the Governor January 31, 1997.

Filed by the Secretary of State February 7, 1997.

97-43

"MISS HAZEL" TROUTMAN DAY

Whereas, Hazel Troutman was born in Iliopolis, Illinois, on February 5, 1897; and

Whereas, Miss Troutman taught school in the Buffalo area for some 40 years, teaching several generations of central Illinois families; and

Whereas, she is affectionately known to all as "Miss Hazel"; and

Whereas, friends and family are honoring her with an open house on Sunday, February 2, at the Buffalo United Methodist Church;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 5, 1997, as **"MISS HAZEL" TROUTMAN DAY** in Illinois in recognition of her 100th birthday.

Issued by the Governor January 31, 1997.

Filed by the Secretary of State February 7, 1997.

97-44

LULAC WEEK

Whereas, the League of United Latin American Citizens (LULAC), was founded in Corpus Christi, Texas, in 1929 and is the largest and oldest Hispanic civil rights organization in the country; and

Whereas, since its inception, LULAC has vigorously addressed the many complex issues affecting the Hispanic position on education, employment training, economic development and civil rights; and

Whereas, LULAC has developed and implemented programs for the improvement of the community. In addition, the LULAC National Education Service Center provides guidance and financial support to Hispanic youths in their quest for higher education; and

Whereas, LULAC adopted the "Commitment with America" as its national policy to counter anti-immigrant sentiments, prevent abuse to its citizenry, promote access to quality education for the youth, and aggressively implement a voter education program in communities to ensure increased participation of in the American way of life; and

Whereas, this year, the League of United Latin American Citizens will celebrate its 68th anniversary of community service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 16-22, 1997, as **LULAC WEEK** in Illinois in honor of the organization's 68th anniversary and in recognition of the contributions that LULAC has made to Hispanic citizens nationwide.

Issued by the Governor February 3, 1997.

Filed by the Secretary of State February 7, 1997.

97-45

NU CITY MINISTRIES WEEK

Whereas, the Nu City Ministries Nu City Mass Choir, a Chicago-based organization geared toward upgrading the quality and music administration of various gospel music organizations, songwriters and singers, was founded by Dennis E. Cole in 1994; and

Whereas, Dennis E. Cole and Jack Joseph, their producer, believe and instill in Nu City Ministries that they must be "Committed to Excellence" in all that they do, starting with their spiritual awareness; and

Whereas, Nu City Ministries is comprised of singers from all religious denominations within Chicago and the surrounding area; and

Whereas, Nu City Ministries has recorded on the GCI Label "I Am So Grateful," "Please Don't Leave Me," "Call Him Up," "Right Now," and on April 7, 1997, GCI Records and Platinum Entertainment will release "Stand/He's Still the One"; and

Whereas, Nu City Ministries Nu City Mass Choir will host its annual session on Chicago's Greater Southside at Cosmopolitan Church of Prayer Holiness;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6-12, 1997, as **NU CITY MINISTRIES WEEK** in Illinois.

Issued by the Governor February 3, 1997.

Filed by the Secretary of State February 7, 1997.

97-46

PATROLMAN ROBERT PAUL PERKINS RECOGNIZED

Whereas, Patrolman Robert Paul Perkins has been a commissioned Railroad Police Officer for the Terminal Railroad Association of St. Louis since May 5, 1982; and

Whereas, on January 15, 1995, Patrolman Perkins witnessed a serious automobile accident while on duty in East St. Louis; and

Whereas, Patrolman Perkins rushed to the burning vehicle and found two unconscious men, a patrolman and a passenger; and

Whereas, Patrolman Perkins saved the passenger's life by pulling him to safety, and with the aid of a passerby, pulled the driver out of the vehicle; and

Whereas, Patrolman Perkins went beyond the call of duty in risking his life to pull the two victims from the burning vehicle;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize the heroic actions of Patrolman Robert Paul Perkins on January 15, 1995.

Issued by the Governor February 3, 1997.

Filed by the Secretary of State February 7, 1997.

97-47

RONIT AND MIKE LEVY DAY

Whereas, Myron "Mike" Simon Levy was born in Chicago to Rose and Joseph Levy on December 10, 1931; and

Whereas, Ronit Malca Levy was born in Israel to Rose and Mordecai Ralal on August 29, 1947; and
 Whereas, Mike was attending his cousin Elliot's wedding in Israel in 1971; and
 Whereas, Yona and Arik Dotan wanted their good friend, Ronit, to meet their good friend Mike; and
 Whereas, Mike remarked to his friend, Paul Sapstein, that he would marry this beautiful young Israeli woman whom the Dotan's introduced him to in the Sharon Hotel in Herzlia; and
 Whereas, a whirlwind romance between Mike and Ronit ensued over two continents; and
 Whereas, Ronit came to America to become Mike's bride; and
 Whereas, Mike and Ronit were married on June 15, 1972, with their friend Bert Palmer performing the ceremony in Monticello, Illinois; and
 Whereas, Mike and Ronit celebrated the births of their children, Sharone and Gil Joseph; and
 Whereas, Mike and Ronit will celebrate their 25th anniversary; therefore, I, Edgar W. Governor of the State of Illinois, do proclaim June 15, 1997, **RONIT AND MIKE LEVY DAY** in Illinois, and extend to them best wishes and sincere congratulations.
 Issued by the Governor February 3, 1997.
 Filed by the Secretary of State February 7, 1997.

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ISSUES INDEX

February 21, 1997

Rules acted upon during the quarter of January 1 through March 31, 1997 are listed in the Issues Index by Title number, Part number and Issue number. For example, 30111, Admin. Code 4401 published in Issue 40 will be found on page 20172. Inquiries about the Illinois Register Index may be directed to the Administrative Code Division at 217-782-4414 or jandrea@gate.net (Internet address).

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INDEX DEPARTMENT
111 E. MONROE
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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

1. The first part of the course is devoted to the study of the history of art and architecture in the ancient world. This includes the study of the art and architecture of the ancient Egyptian, Greek, Roman, and Byzantine periods.

2. The second part of the course is devoted to the study of the history of art and architecture in the medieval period. This includes the study of the art and architecture of the early medieval, high medieval, and late medieval periods.

3. The third part of the course is devoted to the study of the history of art and architecture in the modern period. This includes the study of the art and architecture of the 19th and 20th centuries.

4. The fourth part of the course is devoted to the study of the history of art and architecture in the contemporary period. This includes the study of the art and architecture of the 21st century.

5. The fifth part of the course is devoted to the study of the history of art and architecture in the future. This includes the study of the art and architecture of the 22nd century.

6. The sixth part of the course is devoted to the study of the history of art and architecture in the past. This includes the study of the art and architecture of the 18th century.

7. The seventh part of the course is devoted to the study of the history of art and architecture in the present. This includes the study of the art and architecture of the 17th century.

8. The eighth part of the course is devoted to the study of the history of art and architecture in the future. This includes the study of the art and architecture of the 16th century.